

1 Executive Summary

Structure of Report

The Victorian Implementation Review of the Recommendations from the *Final Report of the Royal Commission into Aboriginal Deaths in Custody* (1991) is reporting back to the Victorian Indigenous¹ community and the Victorian Government on its findings in relation to implementation of the Royal Commission's Recommendations in Victoria. The Report of the Review provides an opportunity for both the Indigenous community and Government to be informed by the evidence gathered during the Review, and to consider the Review's recommendations. In doing this the Review Report² establishes a baseline against which any future implementation and monitoring of the Recommendations can be assessed.

The Report is organised into eight major sections

Section 1 gives a summary of the self-assessment responses received from government departments and agencies, together with a summary of the views and experiences of the Indigenous community in relation to the underlying issues and contact with the criminal justice system.

Section 2 gives an overview of the Royal Commission, its Final Report and Recommendations, subsequent developments, and what led to the establishment of the Victorian Implementation Review in 2003.

Section 3 explains how the Review was conducted in a unique partnership between the Victorian Government and the Indigenous community and within the framework set by the *Victorian Aboriginal Justice Agreement (VAJA)* (Appendix 3 includes further details).

Section 4 examines the Indigenous deaths in custody in Victoria, both those investigated by the Royal Commission and the seven Indigenous deaths which have occurred since 1991.

Sections 5, 6 and 7 present the respective findings of the Review in relation to:

- Underlying issues, which are divided into clusters covering education, employment and economic status, housing, families and children, health and wellbeing, alcohol and other substances, community capacity, land needs and cultural survival and reconciliation (Section 5);
- Over-representation in the criminal justice system including contact with police, courts, corrections and juvenile justice (Section 6); and
- Monitoring of implementation of the Recommendations (Section 7).

Each of these three sections is organised in the following way:

- An introductory part, which deals with the intent and scope of the Recommendations, grouped by theme;

¹ The Implementation Review Team utilises the terms Aboriginal, Indigenous, Koori and Koories throughout the Review Report to describe Indigenous inhabitants of Victoria. The term Indigenous is used to describe Aboriginal and Torres Strait Islanders nationally.

² The Report of the Victorian Implementation Review is referred to throughout Volumes 1 and 2 as the Review Report to distinguish it from any reference made to the Report of the Royal Commission.

- A table of the grouped Recommendations from the Royal Commission and their implementation status as reported by Victorian Government departments;
- Details of the Victorian Government departments' self-assessment responses as provided to the Implementation Review, including any program developments and enhancements up to November 2004;
- Community views and experiences gathered during 2004; and
- Review comments and recommendations.

The Review's conclusions and recommendations are contained in Section 8. Relevant statistical information collected for the Review is provided separately in Volume 2 but key points are referred to throughout Volume 1.

1.1 Introduction

The 1991 *Final Report of the Royal Commission into Aboriginal Deaths in Custody* investigated why, and how, so many Aboriginal people were dying in custody. The Commission found that the high rate of Aboriginal people dying in custody reflected their over-representation in the criminal justice system. It found that this over-representation was linked to underlying factors of social and economic disadvantage: the historical legacy of colonisation, assimilation and continuous government policies of the day. It found that it was also associated with the way the criminal justice system operates.

The Royal Commission's 339 Recommendations *produced great optimism that serious attention would be devoted to overcoming the systemic, structural discrimination that Indigenous people face in society* (Aboriginal and Torres Strait Islander Social Justice Commissioner, 2001: 7). Without this attention, it was clear to the Commission that Indigenous people would continue to come into custody at higher rates than non-Indigenous people and be at higher risk of dying in custody.

Australian jurisdictions responded to the Commission's 339 Recommendations with a commitment to implement the majority of them and to undertake regular reporting on progress. The last Implementation Report, was produced by the Victorian Government in 1996-97 showed that a range of policies and programs were in place for implementing the Recommendations in Victoria. A number of the Commission's Recommendations were directed to the role of the Commonwealth Government, although Victorian Government initiatives were also often developed alongside, or in conjunction with, the Commonwealth.

A significant outcome of the *National Ministerial Summit into Indigenous Deaths in Custody* (June 1997) was a commitment to develop jurisdictional agreements which would move forward actions to address the implementation of the Royal Commission's Recommendations. In June 2000, the Victorian Government and the Indigenous community signed the *V/AJA*, a landmark partnership initiative. Key elements of the *V/AJA* included a commitment by the signatories to the continued implementation of the Commission's Recommendations, to rigorous monitoring of their implementation and, as part of the *V/AJA*'s framework and principles, to strengthening the partnership approach between the Victorian Government and the Victorian Indigenous community.

The need to conduct an Implementation Review, driven by the Aboriginal Justice Forum (AJF), has been highlighted by the continued over-representation of Indigenous Victorians in contact with the criminal justice system, and by a further seven Indigenous deaths in custody (although none have been recorded since 2000). It was also underscored by

community concerns expressed, for example, through the AJF, that there had been limited Indigenous participation in the development, implementation and monitoring of the responses to the Royal Commission Recommendations and that this participation was insufficient in view of what the Royal Commission had intended.

The Victorian Government, through its partnership approach with the Victorian Indigenous community, has taken crucial steps, including those undertaken in the course of conducting this Review, towards redressing the historical exclusion of Indigenous people from the processes and services which attempt to address their disadvantage.

Within this context, the Victorian Implementation Review commenced in November 2003, almost seven years after the last Victorian Implementation Report was prepared in 1996-97. Chaired by two respected Indigenous Victorians, Dr Joy Murphy and Dr Mark Rose, the Review was conducted in a way that enabled comprehensive community participation in the Review process. As an outcome of the Review, it is intended that this Review Report will, for the first time, give the Indigenous community:

- Consolidated information about what the Victorian Government has reported in respect of implementing the Commission's Recommendations;
- Statistical information showing trends over time and comparisons between Indigenous and non-Indigenous Victorians;
- A record of community views and experiences; and
- The Review's comments and recommendations.

The approach used by the Review aimed to ensure that the Victorian Indigenous community was informed about the Review process and had the opportunity to speak with the Review Team. To assist this aim, a communications strategy was implemented, which included the release of a Discussion Paper in March 2004, distribution of copies of the Commission's Reports and Recommendations on CD-ROM, monthly updates, a call for written submissions, and a Free-call number available to the community (and to Indigenous prisoners) as well as numerous visits and community meetings across Victoria conducted by members of the Review Team between March 2004 and November 2004.

While the community consultations elicited reactions which had a direct bearing on the matters covered by the Commission, they often emerged during consultations in ways that could not always be categorised under the headings used for the Commission's Recommendations. Their presentation in this Review Report reflects and emphasises the views of the Indigenous community, rather than any rigidly pre-formatted pattern of response, thus preserving the authenticity of community responses and casting light on issues of vital concern.

The Victorian Implementation Review was able, within the scope of its Terms of Reference, to examine the substantial developments undertaken by the Victorian Government to redress the disadvantage of Indigenous Victorians and to reduce their over-representation in the criminal justice system. The comprehensive information provided by Victorian Government departments to the Review showed that many changes have taken place, that new policies and initiatives have been developed, and that these developments have significantly contributed to altering the environment compared to 14 years ago and also compared to 1996-97 when the last Implementation Report was produced. It should be noted that for a number of Recommendations, implementation is primarily a Commonwealth Government responsibility and this is indicated as appropriate. Where the Victorian

Government has taken action and/or has knowledge about implementation this is reported against those Recommendations.

It is self-evident that the Review is not, in many respects, independent. Almost without exception, the bulk of the material on the implementation of particular Recommendations was provided to the Review by government departments and agencies, as did were the self-assessments of the stage that implementation had reached. The Review Team had neither the time nor the capacity to check and audit these reports, and consultation with the Indigenous community tended on the whole to produce generalised assessments rather than focused responses on the implementation status of individual Recommendations. Despite the Review Team's attempts at objectivity and the often obliquely critical comments made by some members of the Indigenous community, the reported situation with regard to Victoria's implementation of Royal Commission's Recommendations remains largely what government departments say it is.

The Review also found new and emerging issues not covered by the Royal Commission which reflect the changed environment of today, and which further impact on Indigenous disadvantage. In addition, examples of best practice were identified for enhanced program design and service delivery.

During the course of the Review relevant statistical trends were examined, Government responses analysed, and the views and experiences of Indigenous Victorians were sought on what has happened since the Royal Commission released its Report in 1991, and how their current situation compares.

The Review found the Indigenous community questioned the extent and effectiveness of the progress made and how well the process of implementation was working in practice.

While it is acknowledged that progress has occurred, and that the environment in 2005 is very different to that in 1991, the evidence coming from community, together with the statistical analyses³, paints a disappointing picture.

The Review concludes that ongoing and significant change is needed if the Commission's Recommendations are to achieve their desired outcomes in Victoria. The Review notes the Victorian Government's commitment as a signatory to the Council of Australian Governments' *Communiqué* (25 June 2004), which reaffirmed its continuing commitment to advance reconciliation and address the social and economic disadvantages experienced by Indigenous Australians, and its agreement with a National Framework of Principles for Delivering Services to Indigenous Australians whereby *All jurisdictions are committed to achieving better outcomes for Indigenous Australians, improving delivery of services, building greater opportunities and helping Indigenous families and individuals to become self-sufficient* (Council of Australian Governments' *Communiqué*, 2004: Attachment B).

Similarly, the Review notes the recently released social policy statement by the Victorian Government, *A Fairer Victoria: creating opportunity and addressing disadvantage* (April, 2005: 39) which states that *The impacts of dispossession of land and culture are still being felt by Indigenous Victorians ...*, and which goes on to state that these impacts are associated with disadvantaged outcomes which *... The Victorian Government views ... as unacceptable in a civilised society such as Victoria and [it] will take action in partnership with Indigenous communities to break the cycle of disadvantage. A Fairer Victoria thus proposes building a new partnership with Indigenous Victorians.*

³ Presented in Volume 2 and based on data provided by Victorian government departments, the Australian Bureau of Statistics and the Australian Institute of Criminology.

It is the overriding conclusion of this Review that provision for the future must be made by addressing the following issues:

Successfully tackling the underlying issues

While the community recognises the efforts of governments to address Indigenous disadvantage, the underlying issues of racism, education, employment and economic status, housing, families and children, health and well-being, alcohol and other substances, community capacity, land needs and cultural survival, and reconciliation all continue to negatively contribute to Indigenous contact with the juvenile and criminal justice systems.

Effective reduction of Indigenous over-representation in the criminal justice system

The general lack of measurable improvements in addressing the underlying issues directly contributes to the persistent overrepresentation of Indigenous Victorians in the criminal justice system and carries considerable costs to the broader Victorian community.

Making implementation and monitoring an ongoing commitment and process

Implementation of relevant Royal Commission's Recommendations must be continued. This requires allocation of resources; systematic, ongoing and independent monitoring of the implementation of the Recommendations; and improved and increased Indigenous community capacity, participation and resourcing at the local level.

Underpinning and cutting across the steps necessary to achieve these objectives are three other broad, generic issues. Although they are not the subject of separate sections in this Review, they were identified through the Review process. They are discussed in more detail in Section 8 and lead to three requirements. These requirements are:

- **Driving a whole-of-government framework for the implementation of the Royal Commission's Recommendations**

Successful implementation of the Recommendations cannot happen in an *ad hoc* manner left to individual departments. It requires a whole-of-government commitment, responsibility and accountability and must be built into the fabric of government at all levels. For effective implementation of, and compliance with the Recommendations, a clear, designated co-ordination and accountability role is fundamental.

- **Strengthening cultural awareness and understanding of Indigenous Victorians**

Cultural ignorance and, at times, outright racism by non-Indigenous people featured in nearly every substantive issue examined by the Review, lying behind and contributing to many of the concerns confronting Indigenous people in fields such as health, education, employment and housing as well as in the criminal justice system. Improved cultural awareness training and understanding is needed to redress this, not only in all service delivery areas but also across the broader community.

- **Making Indigenous participation effective**

If participation at all levels is to be effective and sustainable, Indigenous communities and their organisations must be adequately resourced with appropriately trained, skilled people and staff to meet their needs and obligations. The ongoing demands for consultation and real partnership between the community and government cannot be realised without such support.

1.2 Successfully Tackling the Underlying Issues

... the fundamental causes of over-representation of Aboriginal people in custody are not to be found in the criminal justice system but in those factors which bring Aboriginal people into conflict with the criminal justice system in the first place ... [and] the most significant contributing factor is the disadvantaged and unequal position in which Aboriginal people find themselves in the society – socially, economically and culturally (Royal Commission, 1991b, Vol. 1, 1.7.1).

Making the cells safe is just a band-aid solution to the overall problem. All I'm suggesting is that if you deal with the underlying issues people wouldn't end up in places like this and feel the need to hang themselves (Indigenous male prisoner).

You need to look at the underlying issues surrounding those deaths and those ones post-Royal Commission. You also need to look at those who died who were not in custody (Indigenous female Metropolitan Melbourne).

In terms of the Royal Commission you will never get anywhere until you address the underlying issues (Indigenous male Metropolitan Melbourne).

You need to address the underlying issues first before you can make any sort of a change (Indigenous male Metropolitan Melbourne).

The Royal Commission was strongly of the view that, although reform was needed within the criminal justice system itself, the key to reducing Indigenous over-representation in the criminal justice system, and thereby preventing Indigenous deaths in custody, lay elsewhere. Logically, the focus lay 'upstream' of the criminal justice system, in those underlying influences which can bring Indigenous people into contact with police, the courts and correctional agencies.

1.2.1 Government Summary

The Review found that the Victorian Government has been actively addressing these underlying issues, as confirmed by the extensive self-assessment responses of government departments across a wide range of issues which are reported in Section 5 and summarised below.

Education

A range of developments have taken place in the Office for Children, Early Years Branch, Department of Human Services (DHS) and the Victorian Department of Education and Training (DE&T) which address the relevant Royal Commission Recommendations concerning the underlying issue of education.

- As reported by the Office for Children, Early Years Branch (DHS), the Koorie Early Childhood Education Program (KECEP) aims to increase the number of Indigenous children attending preschool and encourages all preschool programs to become more culturally relevant.

- The KECEP is jointly funded by DHS and the Commonwealth Department of Education, Science and Training and implemented in partnership with local Indigenous communities.
- As reported by DE&T, teaching about Indigenous history and culture has been incorporated into the Victorian school curriculum at Years 5-6 and Years 9-10.
- The Koori Open Door Education (KODE) program for students, which seeks to create a more inclusive Koori school environment, was established in 1994 as a partnership between the Commonwealth, DE&T and the Victorian Aboriginal Education Association Incorporated (VAEAI) and currently operates in four campuses across Victoria.
- Another partnership between DE&T and VAEAI is *Yalca*, which addresses education and training, and involves Local Aboriginal Education Consultative Groups.
- Other consultative structures have been established such as the Regional Koori Education Committees.
- Within DE&T, the Koori Education Strategy Team/Unit works with the 16 Koori Education Development Officers.
- There are currently nine Koori Home School Liaison Officers addressing school attendance levels, three Koori Literacy Officers and 56 Koori Education Officers who provide support to Indigenous students and foster links between schools and families.
- At the tertiary level, there is the *Wurreker* strategy, which is designed to assist Indigenous participation, while at the Technical and Further Education (TAFE) level, there are Koori Liaison Officers and increased funding available for Indigenous-specific training.

Employment and Economic Status

Responses were received from several Victorian Government agencies regarding initiatives that aim to address Indigenous employment and economic disadvantage. These responses also indicated the important role played by the Commonwealth in this area.

- An example is the collaboration in Shepparton between different levels of government and the Indigenous community in an Indigenous Employment Initiative which aims to place 100 Indigenous unemployed people into permanent employment over three years.
- In addition, *Wur-cum barra*, the whole-of-government employment strategy commenced in 2002, designed to increase employment and training for Indigenous Victorians in the public sector, various departments have reported increased Indigenous staff numbers.
- In the Department of Innovation, Industry and Regional Development (DIIRD), the Koori Business Network (KBN) has been active in a facilitation role across the three tiers of government to encourage and support Indigenous small business, a role which includes mentoring, business planning, marketing and professional development.
- KBN has also established a Growing Leadership Capacity program for identifying best practice and enhancing employment opportunities for Indigenous Victorians, as well as the *Deadly Arts Business* project, in conjunction with Arts Victoria, which aims to support and promote Indigenous artists.

Housing

- The Office of Housing and the Aboriginal Housing Board of Victoria (AHBV) reported working closely with Indigenous community organisations in managing the Victorian Aboriginal rental program.

- In November 2004 the first meeting was held of the Victorian Indigenous Housing Joint Planning Committee where relevant stakeholders discussed improving housing outcomes for Aboriginal Victorians across a range of tenures and locations throughout Victoria, including the isolated communities of Lake Tyers and Framlingham.
- An Indigenous Housing Agreement was established in 2003 between the Office of Housing, Aboriginal and Torres Strait Islander Commission (ATSIC), Aboriginal and Torres Strait Islander Services (ATSIS) and the Department of Human Services (DHS), to ensure there is a co-ordinated and co-operative approach to planning for Indigenous housing.
- Under the Strengthening Families program, Family Services funding has been made available by DHS to five Aboriginal community organisations to provide a range of activities including family counselling, parent education and in-home support. Other relevant initiatives include housing construction contracts to encourage Indigenous employment and traineeships.
- VicRoads reported that Indigenous communities have the same access to road funding as other communities and that it undertakes cultural heritage surveys, native title analysis and social impact assessments for all road projects in consultation with all relevant Indigenous stakeholders.

Families and children

- Addressing the need to re-establish links with community and family, the Public Records Office Victoria (PROV) is a funding partner in the Koori Family History Service (KFHS) and the Recorded Testimonies Project at the Koori Heritage Trust which help individuals and communities to trace their families, rebuild family connections and reconnect members of the Stolen Generation. An outreach service is provided to Koori prisoners and juvenile detainees.
- The Victorian Koori Records Taskforce was established in 2001 in response to the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families.
- While the Aboriginal Child Placement Principle has not been explicitly recognised within statute in Victoria, DHS reported that its intent is reflected in the *Children and Young Persons Act 1989* (currently being reviewed) and the *Adoption Act 1984*.
- Community members are consulted in relation to out-of-home care for Indigenous children and child protection staff are trained in the provisions of those Acts which recognise the role of Aboriginal Child Care agencies and aim to reduce out-of-home placements of Aboriginal children involved in Child Protection and separation from family and the community.
- Other DHS funded Indigenous family and children initiatives include five Aboriginal Family Preservation Programs, the Supporting Vulnerable Families Indigenous Innovations Projects, in Shepparton and East Gippsland in 2002-03, nine Aboriginal Case Management Pilots in conjunction with the Aboriginal Out-of-Home Care Services, six Indigenous agencies which provide Out-of-Home Care Services across Victoria, the Aboriginal Child Specialist Advice and Support Service and the Aboriginal Family Decision Making (AFDM) pilot project based in Shepparton for children involved in Child Protection. Across the many initiatives in this area, attention is paid to the participation of Indigenous community organisations and, where possible, DHS seeks to fund and support them as the most appropriate service providers to the Indigenous community.
- In respect of Indigenous young people, a number of sporting programs have been funded under the Indigenous Community Sport Development Program (a component of the Commonwealth Government's Australian Sports Commission Indigenous Sport Program). Two Indigenous Sport Development Officers are employed by Sport and

Recreation Victoria in the Department of Victorian Communities to support a range of sporting activities and events across Victoria.

- In addition, the Office of Youth (Department for Victorian Communities (DVC) supports the Victorian Indigenous Youth Advisory Council (VIYAC) and funds Mungabareena Aboriginal Co-operative to establish links between local Indigenous communities and mainstream youth services.

Health and well-being

The Department of Human Services (DHS) has been implementing major initiatives in relation to the health and well-being of Indigenous Victorians at several levels.

- DHS is improving the health outcomes of Indigenous Victorians by ensuring that the health services are accessible, effective and responsive to Indigenous needs, as part of its broader *Koori Services Improvement Strategy* and *Aboriginal Services Plan*.
- Koori Mental Health Services include Koori Health Liaison positions located within rural mental health services and the *Purro Birik Strategic Plan* which aims to address the social and emotional well-being of Indigenous Victorians. Objectives include effective planning between the Victorian Aboriginal Community Controlled Health Organisation (VACCHO), the Mental Health Branch and the Commonwealth Office of Aboriginal and Torres Strait Islander Health Services (OATSIH).
- DHS is also active in recruiting and training Indigenous health workers through its Aboriginal Hospital Liaison Program, which includes the support of Indigenous patients and clients and the provision of cultural awareness training for non-Indigenous staff.
- In conjunction with the Commonwealth and the VACCHO, DHS is improving the collection of data and the transfer of information between health care agencies working with Indigenous clients. It also produces regular *Koori Health Counts* publications.
- Participation of Indigenous communities is occurring through a number of advisory structures such as the Victorian Advisory Council on Koori Health (VACKH).

Alcohol and other substances

A number of developments were reported by DHS and Liquor Licensing (DOJ) in relation to alcohol and other substance use which also involve the Commonwealth Government as well as Indigenous community organisations.

- A key partnership has been developed with VACCHO and DHS.
- Under the Koori Drug and Alcohol Plan 2003-04 a number of community issues are addressed including the establishment of the Koori Youth Healing Service, recruitment and training of 16 Koori Drug and Alcohol workers, funding of the Koori *About Inhalant Use* kit, the establishment of a working group to tackle solvent abuse among Indigenous young people, and other harm minimisation, early prevention and parent education activities provided under the Koori Community Alcohol Resource Services.
- Alcohol and Drug Treatment Services are being primarily being provided by Indigenous workers employed by seven Aboriginal Co-operatives across Victoria.
- Following the Victorian Government's Parliamentary Drugs and Crime Prevention Committee's report on its *Inquiry into the Inhalation of Volatile Substances*, legislation has been introduced to give police search and seizure powers in relation to volatile substance abuse by young people and an integrated police and health response has been established. Indigenous organisations have participated in its development.
- In relation to liquor licensing, it is reported that issues of alleged discrimination are addressed through the Equal Opportunity Commission.

- A National Indigenous Working Party, comprising of representatives from Western Australia, South Australia, Northern Territory, Queensland and Victoria, was established to investigate issues relating to the misuse of alcohol amongst Indigenous communities.
- Liquor Licensing, in partnership with Consumer Affairs Victoria, conducts training on responsible service of alcohol in the Koori community.

Community capacity

The Victorian Government established a new approach to Indigenous issues through its pre-election policy *Reconciliation and Respect* (September 1999), and more recently proposed building a new partnership with Indigenous Victorians (*A Fairer Victoria*, April 2005).

- Under the broad banner of developing the capacity of the Indigenous community, the Victorian Government has a general policy to support the community in its attempts to become self-managing.
- There are a number of key strategies in place in different Victorian Government departments, such as the *Koori Services Improvement Strategy* (DHS); the *VAJA* and the Regional Aboriginal Justice Advisory Committees (RAJAC) (Department of Justice); development of a *Victorian Indigenous Family Violence Strategy* (DVC); the Stolen Generations Initiatives (DVC); the *Indigenous Community Capacity Building Program* (DVC) the *Indigenous Partnership Strategy* (Department of Primary Industries (DPI) and Department of Sustainability and Environment (DSE); the *Wur-cum barra* employment strategy for the Victorian public sector; the *Yalca* education and training partnership between DE&T and VAEAI; the Koori Education Strategy and Wurreker (DE&T); and the *Indigenous Business Development Strategy* (DIIRD).
- Many of these strategies involve a range of stakeholders and a number of departments with co-ordination of whole-of-government actions designed to increase Indigenous participation in decision-making at all levels of government.
- The major initiatives across the Victorian Government emphasise a partnership approach, which fosters better communication and aim to develop community capacity, as well as improving the responsiveness and cultural sensitivity of department staff.
- The Premier's Aboriginal Advisory Committee (PAAC), established in 2000, provides high level advice to the Premier from elected representatives of Indigenous communities. A Secretaries' Group for Aboriginal Affairs has also been established to identify priority action areas and establish outcome targets.
- The Indigenous initiatives in Victoria are occurring in the context of national developments and changes, including the 25 June 2004 Council of Australian Governments *Communiqué*, which covers government service delivery and the engagement of Indigenous people at all levels of government and the demise of ATSIC.
- Aboriginal Affairs Victoria (AAV) has been developing a whole-of-government Aboriginal Affairs Framework which builds on policies and strategies developed over the last five years with the aim of responding to Indigenous disadvantage and strengthening Indigenous communities.
- During 2004 the Minister for Aboriginal Affairs led extensive consultations with Indigenous communities across Victoria, which contributed to further development of the Indigenous Affairs Framework.

Land needs and cultural survival

A number of activities were reported by government departments relating to land needs and cultural survival. These include:

- The land aspirations of Indigenous Victorians are being addressed through the Victorian Government's framework *Aboriginal Land and Resource Development Strategy* (previously known as *Addressing Dispossession*) involving the DSE, Department of Treasury and Finance (DTF), DOJ and AAV (DVC).
- Furthermore, there is existing legislation such as the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* and the *Archaeological and Aboriginal Relics Preservation Act 1972*, also assists and protects Indigenous cultural property.
- In relation to crown lands, there are seven Indigenous Land Use Agreements registered. The Indigenous Land Corporation, an independent Commonwealth Statutory Authority established in 1995, has purchased 24 properties in Victoria since 1997.
- Cultural protection and survival issues are being addressed through support for cultural history programs such as those based at the Koori Heritage Trust, the Aboriginal Community Heritage Investigations Program, and the Indigenous Community Capacity Building Fund and, in respect of the expansion of the Indigenous art and craft sector, through KBN (DIIRD).
- Indigenous involvement in the land management of National Parks in Victoria is also being expanded in a variety of ways, following the release of its Draft Indigenous Partnership Strategy for consultation in May 2004.

Reconciliation

A number of activities relating to reconciliation were reported by government departments. These included:

- Cultural awareness training courses for non-Indigenous staff, in particular those working in service sectors where there are Indigenous clients.
- Informing Indigenous people about their rights and means of making complaints through a range of mechanisms, involving the Equal Opportunity Commission, the Ombudsman's Office, the Health Services Commissioner and the Victorian Aboriginal Legal Service (VALS).
- Legislative provisions, including the *Racial and Religious Tolerance Act 2001*, which enables victims of discrimination to lodge complaints and have them investigated.
- Reconciliation activities led through Reconciliation Victoria.
- The Victorian Government, in its *Reconciliation and Respect* (1999) policy statement, also aims to seek reconciliation with Indigenous Victorians and help achieve a lasting settlement between Indigenous people and other Australians.
- An amendment to Victoria's Constitution in 2004, which acknowledges Indigenous Victorians.
- A number of municipal councils are also active in reconciliation initiatives.

Many initiatives have been put in place in the areas of education, employment and economic status housing, families and children, health and well-being, community capacity, land, reconciliation and related issues through a wide range of programs and initiatives. This is acknowledged and will be further enhanced by the implementation of the Victorian Government's recently released social policy statement *A Fairer Victoria* (April 2005), wherein Strategy 9 proposes *Building a new partnership with Indigenous Victorians*.

1.2.2 Indigenous Community Views

The less than reassuring statistical picture, as contained in Volume 2 – Statistical Information, was also reflected in the forceful and uncompromising opinions expressed by Indigenous community members with regard to a range of underlying issues.

Education

Consultation with the Indigenous community revealed that it shares the Royal Commission's appreciation of the way in which education, or the lack of it, forms part of the complex set of interacting factors that ultimately lead to contact with the criminal justice system.

Although responses on this subject made some passing references to restricted educational access for Indigenous people at the tertiary level, most of the comments received by the Review concerned negative and sometimes very negative Indigenous experience with schools. Issues identified as being of major concern included:

- Poor retention rates;
- Absenteeism and truancy;
- Over-zealous resort to suspension by schools;
- Lack of meaningful communication between teachers and Indigenous parents;
- School failure to understand the impact of economic disadvantage on Indigenous children and their education participation or performance;
- Inflexible school regimes and generalised lack of interest, care or cultural sensitivity; and
- Systemic or personal racism in schools.

Employment and economic status

Lack of employment was widely cited by Indigenous respondents as a major problem. For many Indigenous people, it was the biggest problem confronting the community, particularly its young people. Matters raised in connection with unemployment centred on:

- Systemic and explicit racism in employment practices;
- Reluctance of mainstream business to play its part in providing employment opportunities for Indigenous people;
- Poor employment opportunities outside the community and public sectors; and
- Even within those sectors, scepticism about the success of initiatives (for example *Wur-cum barra*) to create employment by government and local government agencies.

Housing

Community responses on this subject were relatively few but quite pointed. Issues raised included:

- Racist attitudes in the mainstream housing market;
- Cultural differences between fixed government housing provision and a sometimes transient Indigenous population; and
- Lack of assistance with transitional housing for ex-prisoners.

Families and children

Currently, as well as historically, the Indigenous family is perceived by the community as under threat. This matter attracted considerable comment and centred around:

- Continuing high rates of child removal and the subsequent impact on families and communities;
- Out-of-home placement of many Indigenous children with non-Indigenous families;
- Difficulty in securing community participation in the processes of child removal and placement; and
- A sense of powerlessness in accessing mainstream family and children services, including child protection services.

Health and well-being

There was limited community comment on general health issues or technical matters, such as disease rates and hospital admission. Mental health matters did, however, elicit numerous responses relating to:

- Unavailability of mental health services;
- Poor post-discharge services;
- Lack of cultural awareness on the part of health professionals; and
- Ambivalence about the inappropriateness of police and prison staff in relation to mental health issues, while recognising that only through police and the criminal justice system are sometimes the only available sources of assistance.

Alcohol and other substances

Community consultation confirmed the Royal Commission's view that alcohol, and perhaps increasingly the abuse of other substances, constitutes a major problem for Indigenous people in many parts of Victoria. The responses on this subject were dominated by two themes:

- The connection between this problem and dysfunctional parenting, often itself associated with alcohol abuse; and
- The need for more appropriately resourced 'sobering-up centres'.

Community capacity

Community comment on this subject tended to concentrate on how, despite the many initiatives acknowledged as being taken by the Victorian Government in this context, the Indigenous community is being weakened rather than strengthened. Issues raised in connection with this theme included:

- Inadequate resourcing of grass roots community organisations, which was in turn associated with failure to appreciate that full implementation of the Royal Commission's Recommendations entails enhanced support at this level;
- Perceived lack of real commitment and understanding on the part of government and agencies to the plight of community organisations;
- Absence of long-term strategic planning with adequate funding projections;
- Lack of training for Indigenous organisations' personnel;

- Excessive strain on those who voluntarily participate in services such as the Aboriginal Community Justice Panels (ACJP); and
- The need for the Indigenous community to accept more responsibility.

Land needs and cultural survival

The community consultations undertaken by the Review confirmed that there is no doubt about the continuing importance of land and the survival of their culture to the Indigenous people of Victoria. The main thrust of comments on this subject included:

- A perceived failure to seriously address the land needs of the original land-owning Indigenous people of Victoria;
- The need to come back to, reinforce and preserve Indigenous culture which has, in many instances, been fractured through the breakdown or destruction of traditional family and community living patterns; and
- An ironic and sad acknowledgment that prison may now constitute one of the strongest vehicles for the transmission and protection of Indigenous culture.

Reconciliation

Indigenous groups consulted in the course of the Review were sceptical about the progress, prospects and preconditions for reconciliation with the non-Indigenous people of Victoria. Such scepticism was expressed through comments to the effect that:

- Failure to address basic issues like land shows a lack of serious commitment to reconciliation;
- The lack of progress on implementing the Recommendations of the Royal Commission weakens claims to a commitment to reconciliation;
- Widespread daily experiences of racism and discrimination do not support the view of a wider community prepared to embrace reconciliation; and
- The persistent absence of cultural awareness and understanding among the professional and service delivery staff, with whom Indigenous people have to deal in the course of their daily lives, is not conducive to optimism about the broader reconciliation process.

It is clear from these comments that the views of the Indigenous community expressed during the Review revealed a pervasive perception that not much had changed, that the lives and experiences of the Indigenous community are yet to be transformed, and that after more than a decade of implementing the Recommendations there is a perceived shortfall in the progress that might have been expected on addressing the underlying factors. Clearly, there is much more to be done before it can be claimed that the Recommendations of the Royal Commission in this regard have been fully implemented. This is consistent with the views expressed in the *VAJA* of 2000:

Factors such as extreme social and economic disadvantage (originally identified by the Royal Commission) remain largely unchanged and continue to place enormous stress on families and communities. These factors include high unemployment, poor education outcomes, poor health and low life expectancy, inadequate housing and widespread welfare dependency (Department of Justice, 2000:13).

1.2.3 The Way Forward

Section 5 of the Review Report sets out numerous recommendations in relation to addressing the underlying issues. More broadly, however, the Review is firmly of the view that for the achievement of significant overall progress there must be a fundamental shift in government policy culture. In addition to suggestions such as those set out in Section 5, the Review calls for a policy approach informed by a possibly radically different framework of thought as to what should comprise the of driving programs, initiatives and development.

In Section 8 of the Review points out that while better policies are required in this respect, with greater emphasis on evaluation, the Royal Commission also saw the implementation of its broad Recommendations with regard to underlying issues as being a matter of rights and social justice. This is a view strongly supported by the Review, noting in particular that the language of rights and social justice in this context need not lead to an exclusively or overly legalistic approach to the issues in question. Instead, framing the implementation of the Commission's Recommendations within the discourse of rights can be seen as producing a rights-based policy commitment to social justice for Aboriginal people.

Access to legal redress is not only or even the primary means by which the basic human rights of Indigenous peoples in areas like health, education and employment will be secured. Rather, it is the vigorous pursuit of appropriate social policies in the cause of that social justice that will give substantive reality to the human rights of Aboriginal peoples. This connection between policy and rights was explicitly acknowledged by Victoria's Attorney-General in the Justice Statement when he stated that:

Addressing disadvantage is fundamental to the maintenance of human rights and for genuine equality of individuals before the law. Special measures are needed to ensure the promise of equality is not destroyed by social and economic disadvantage, and that disadvantage does not deny people their rights or their ability to seek redress when those rights are breached (Department of Justice, 2004a: 14).

He further proposed as one of his specific initiatives:

[To] establish a process of discussion and consultation with the Victorian community on how human rights and obligations can best be promoted and protected in Victoria (Department of Justice, 2004a: 14).

The Royal Commission expressed the view that the issues underpinning Indigenous over-representation in the criminal justice system should be interpreted and rectified within a framework of rights and social justice. The Review reiterates that the government's efforts to address the 'upstream' factors behind Indigenous over-representation in the criminal justice system should form an integral part of a wider public debate and dialogue on how human rights for Indigenous people may be realised in practice, as a matter of both social justice and legal entitlement.

In restating this, the Review emphasises that the language and policy approaches used to address the underlying issues must now change to reflect a much greater emphasis on human rights and their social justice implications as the core of the policy issue. This would be in keeping with both the prominence given to the protection of human rights in the 2004 Justice Statement, and the recent acknowledgement accorded to Indigenous people in the preamble to Victoria's Constitution (June 2004).

It is in the light of these findings that the Review recommends that the Victorian Government acknowledge that while much has been implemented and achieved, there is still a shortfall in the proper provision of basic human rights and social justice principles for its Indigenous people.

At the same time, the Victorian Government should re-affirm its commitment to the Indigenous community to urgently address the underlying issues involving education, employment and economic status, housing, health and wellbeing, alcohol and other substances, land needs, cultural survival and reconciliation, within a human rights and social justice framework and through a whole-of-government strategic plan.

The important role played by the Commonwealth Government is also acknowledged. While the Review was not required to examine the implementation status of Recommendations which directly involve Commonwealth responsibility, such as in the area of employment, there is considerable scope for more joint initiatives, such as the COAG trial in Shepparton, where different levels of government are working together to achieve common outcomes.

The Recommendations put forward by the Review in this respect are set out below under Section 8 – Conclusions and Recommendations.

1.3 Effective Reduction of Indigenous Over-Representation in the Criminal Justice System

Aboriginal people in custody do not die at a greater rate than non-Aboriginal people in custody ... the conclusions are clear. Aboriginal people die in custody at a rate relative to their proportion of the whole population which is totally unacceptable and which would not be tolerated if it occurred in the non-Aboriginal community. But this occurs not because Aboriginal people in custody are more likely to die than others in custody but because the Aboriginal population is grossly over-represented in custody. Too many Aboriginal people are in custody too often (Royal Commission, 1991b, Vol. 1, 1.3.2-1.3.2).

There were things that came out of the Inquest that we didn't even know about until then. We didn't know that [A] was strip searched by male prison officers (Interview with Family A).

At the inquest [of B, who died in custody] the evidence they presented didn't add up ... They had five Queen's Counsels there. Every time my lawyer tried to present letters in evidence they always questioned the relevance. The whole process from investigation to inquest failed. The whole process failed me and [B] (Interview with Family B).

There is still a lot of hate for police here ... You've grown men and women here who are frightened of the blue uniform because it was the uniform who took our kids away (Metropolitan Melbourne).

I think the establishment of the Koori Court is fantastic. We see our people go in there and be shamed by their Elders. Being shamed by your Elders is a much better process than it is in the white man's way ... I think that the fact that the Koori Court enforces respect for the Elders is a good thing (Regional Victoria).

Prison does not facilitate our cultural needs ... there's no understanding of men's business ... what I've experienced here, and I've been in and out of prisons, none of them officers have had any cultural awareness training. The same goes for the medical staff too (Indigenous male prisoner).

We're told we're worthless and we will amount to nothing (Indigenous juvenile in detention).

Alongside the need for continued and strengthened action on the underlying issues within a basic rights and social justice framework, there is also a clear need to continue with the many actions currently underway to reduce the over-representation of Indigenous Victorians in contact with the criminal justice system, which carries with it the risk of further deaths in custody. Since the Bracks government and the community jointly signed the *VAJA*, significant initiatives have been developed and implemented throughout Victoria. Understanding of the nature and patterns of Indigenous offending and re-offending (and how this can be prevented) also remains limited, and the community comments point to areas where there remains significant room for improvement, particularly in cultural awareness and understanding of Indigenous people by criminal justice agencies.

1.3.1 Government Summary

The Review found that much has been done by criminal justice agencies in Victoria to attempt to reduce the over-representation of Indigenous Victorians in the criminal justice system under the *VAJA*. Recent initiatives such as the Koori Courts, the AJF and the RAJACs have also been strongly welcomed by the community.

Police

Victoria Police is responsible for the implementation of a large number of the Royal Commission's Recommendations.

- It reported that Victoria Police has implemented many of these Recommendations through its *Victoria Police Manual* of operating procedures and policies, including those relating to the use of arrest, summons and cautions, use of force, arrests for drunkenness, the care of those detained in police custody and the notification of the Victorian Aboriginal Legal Service upon arrest or detention of an Indigenous person.
- In addition, there is a range of prevention and diversionary youth programs conducted by Victoria Police which, while not specifically targeted at Indigenous young people, can be accessed by them.
- An Aboriginal Advisory Unit (AAU) has been established and there are 40 Police Aboriginal Liaison Officers non-Indigenous sworn officers, who provide key links to Indigenous communities across Victoria.
- More recently, four Aboriginal Community Liaison Officers have been appointed; these are Indigenous unsworn members of Victoria Police based in Morwell, Mildura, Reservoir and at police headquarters in Melbourne. Their role includes liaison, training, communication and partnership building between Victoria Police and local Indigenous communities.
- The Victoria Police Aboriginal Policy Statement, with the associated Victoria Police Aboriginal Strategic Framework, was released in 2004; implementation is currently underway.
- Since 1987, Aboriginal Community Justice Panels have been operating; there were 12 functioning in November 2004, with Indigenous volunteers who support the welfare of Indigenous persons arrested or detained by police, advise police on relevant background information and notify families.
- Changes in procedures and facilities in relation to police custody ensure greater supervision of staff and surveillance when Indigenous persons are detained.
- It is reported that no sub-standard police cells are used.
- Key strategies are in place for the training of all police to ensure that anti-discrimination policies and cultural awareness knowledge about Indigenous Victorians are applied in practice.
- Improvements have also occurred in relation to Victoria Police data collection and the identification of Indigenous people apprehended by police.

Courts

The State Coroner, Court Services and Criminal Law Policy (DOJ) are responsible for the implementation of a number of the Royal Commission's Recommendations.

- In relation to the Coroner's Court, it is reported that counselling for families of deceased persons is available through the DHS Mental Health Services, which include the

Aboriginal Mental Health Network, an Aboriginal Adult Mental Health Team and Koori Mental Health Liaison Officers in regional Victoria.

- Inquests on deaths in custody are compulsory and are conducted by full-time Coroners. As part of coronial investigations, recommendations can be made that address systemic issues and aim to prevent further custodial deaths and injuries.
- Royal Commission Recommendations are reportedly being implemented regarding notification of custodial deaths to the Victorian Aboriginal Legal Service and to families.
- Through the National Coroners Information System data, on all reportable deaths is collected, including the identification of Aboriginal and Torres Strait Islanders.
- Changes are reported on providing greater flexibility in undertaking bail. A current review of the *Bail Act* may lead to further reforms.
- The Koori Court was established in 2002 to overcome difficulties and cultural alienation experienced by Indigenous defendants. The Court now sits in Shepparton, Warrnambool and Broadmeadows with plans underway to open a Children's Koori Court and Koori Courts in Mildura and Gippsland in 2005.
- Evaluation of the Koori Court initiative has demonstrated reduced levels of repeat court appearances, reduced breach rates of court orders, increased cultural awareness among court participants and increased authority of Indigenous Elders.
- Other court initiatives include the Aboriginal Bail Justice Program, which had 20 Aboriginal Bail Justices in 2004; the appointment of a Koori Liaison Officer to the Melbourne Magistrates' Court; and the appointment of Indigenous staff attached to the Koori Court.

Corrections

A broad range of developments have occurred in relation to correctional services.

- Indigenous offenders on Community Based Orders are able to access flexible work options at Indigenous community agencies, personal development and Aboriginal cultural immersion programs, such as the Ancestral Trek Program and the Mentoring Program for Aboriginal Women.
- Duty-of-care provisions within the prison environment are embodied in the relevant legislation, operating procedures, policies and practices.
- Requirements relating to prison incidents, including self-harm and death and the use of firearms are similarly addressed. These matters are covered in initial and ongoing training of prison officers, which also includes cultural awareness and First Aid.
- The Corrections Inspectorate was established in 2004 to monitor compliance with duty-of-care and service delivery provisions within correctional services.
- Arrangements exist for the delivery of health services, including mental health services, to prisoners; and medical assessments are given to all prisoners upon reception into prisons.
- Corrections Victoria staff are also members of the RAJAC network and attend the AJF, thus linking into local communities.
- Indigenous officers are employed in Corrections Victoria in positions such as Manager of Indigenous Services, Aboriginal Well-being Officers (who provide support to Indigenous prisoners) and Indigenous Community Corrections officers.
- Funding is provided to assist families to visit Indigenous prisoners, and pre- and post-release programs have been developed to assist in the transition from prison to the community.

Juvenile Justice

Child Protection and Juvenile Justice (DHS) are responsible for the implementation of a number of the Royal Commission's Recommendations relating to juveniles.

- Responding to the Royal Commission findings, a Koori Justice program within Juvenile Justice (DHS) was developed in conjunction with local Indigenous communities to provide culturally relevant juvenile justice programs to minimise contact with the criminal justice system.
- As part of the program, 11 Koori Juvenile Justice Workers have been appointed and three Koori Liaison Officers are employed in the three Juvenile Justice Detention centres.
- Related initiatives include the development of a Drugs Policy and Strategy and a protocol between Juvenile Justice and mental health services.
- Duty-of-care provisions for juveniles in detention are prescribed by relevant policies.
- Close links exist between juvenile justice programs and the child protection system, with the aim of minimising out-of-home placements.

Clearly, there have been numerous and wide ranging initiatives and developments within the criminal justice system, in particular those which address the implementation of Recommendations of the Royal Commission under the umbrella of the *VAA* as reported on in more detail in Section 6. These initiatives are welcomed and it is recognised that because they are in their early stages of implementation they will require more time to have the desired impact. However, a statistical summary of progress so far is not very encouraging.

The estimated direct costs to the Victorian criminal justice agencies of continued Indigenous over-representation are significant. Any reduction in such over-representation would bring considerable financial cost-saving benefits, as shown in Volume 2 – Statistical Information, as well as benefits for Indigenous people's lives and their community.

There have also been further Indigenous deaths in custody in Victoria since 1990 – four Indigenous men and three Indigenous women – although none since 2000. These deaths reveal an important shift in the profile of those dying in custody in the last decade and highlight emerging issues affecting the Indigenous community. These issues include the greater number of women coming into contact with the criminal justice system, the increase in poly substance abuse alongside alcohol abuse, complex mental health issues, links to childhood and family traumas and how these traumas are dealt with.

The Review also found that the definition of Aboriginality was not always recorded, or not recorded in an agreed way. There have been other deaths of Indigenous people who had been in current or recent contact with the criminal justice system. Although not classified as Indigenous deaths in custody, these deaths raise similar issues and link directly to many of the Royal Commission's Recommendations.

1.3.2 Indigenous Community Views

Police

Many of the police members consulted in the course of this Review were confident that they could discern signs of marked improvement in relationships with Indigenous people over recent years. This positive view was shared by some Indigenous respondents, particularly in relation to such developments as:

- Pro-active preventative police programs such as the Victoria Police High Challenge Camp and the Murray River Marathon, which were well received;
- The appointment of Police Aboriginal Liaison Officers and Police Aboriginal Community Liaison Officers, which were generally appreciated; and
- The important role of Aboriginal Community Justice Panels.

Much of this positive response was, however, qualified in various ways, and it was far outstripped by an overwhelmingly negative Indigenous response in other contexts. Numerous matters of concern were canvassed at considerable length. They included:

- Harassment, discrimination and racist attitudes, particularly in relation to Indigenous young people and recently released Indigenous prisoners;
- Perception of over-policing of Indigenous people especially in Regional Victoria;
- Lower use of cautioning and the unnecessary accumulation of minor convictions compromising the potential for diversion from custody;
- Police resorting too readily to the use of capsicum spray on Indigenous people;
- Reporting of offences by Indigenous victims not taken seriously and slow police responsiveness;
- Unwarranted use of violence, sometimes allegedly severe on Indigenous people;
- Inadequate resourcing and numbers of Aboriginal Community Justice Panels;
- Unnecessarily high incidence of arrest in relation to public drunkenness and street offences;
- Difficulties in contacting the Victorian Aboriginal Legal Service after being taken into custody;
- Inadequate level of cultural awareness among police and insufficient training in this area, particularly for recruits, and the need for training that is more community based; and
- The futility and even possible counter-productiveness of Indigenous people attempting to lay complaints against police.

Courts

Although numbers were inevitably small, consultation with the families of two Indigenous persons who had died in custody revealed a number of concerns about coronial processes. While the circumstances of the Indigenous deaths in custody could not be fully investigated by the Review, families of two of the deceased related their experiences to the Review. What emerged was concern about non-adherence to the Royal Commission's Recommendations, as related by two of the families of the seven Indigenous deceased persons. A number of these concerns related to the coronial process. These concerns came on top of a criticism from the Victorian Aboriginal Legal Service about the failure of the State Coroner to develop protocols for the conduct of autopsies and inquiries, as recommended by the Royal Commission. Concerns included:

- Inadequate notification to relatives of Indigenous deaths in custody;
- Difficulties in securing legal representation for families at coronial inquests;
- Reluctance to acknowledge or record Aboriginal identity in the Coroner's Court;
- Custodial officers being excused from giving evidence on the grounds that they might incriminate themselves;

- Cursory treatment of families in the coronial proceedings; and
- A generalised sense of lack of confidence in the court process.

Within the broader criminal justice context, the main observation to emerge in relation to courts involved a general, though not totally unqualified, community approval of the development of the Koori Court. Points raised in this context included:

- The value of Elders being involved in a process that consequently involved enhanced respect and a sense of community shame;
- Concern about the increased amount of time involved in hearing cases, although the process was perceived to be a good one; and
- Widespread complaints about having to plead guilty in order to secure an appearance before the Koori Court.

Corrections

Given the heavy over-representation of Indigenous people in custody, it was not surprising that the community had quite a lot to say on the subject of the correctional system. Once again, it should be emphasised that there were a number of occasions when good experiences and relationships were reported. But the main burden of comment was strongly negative. Matters of comment, complaint, or suggested improvement included:

- The risk of prison becoming almost a rite of passage for young Indigenous people;
- The need for Koori counsellors in prison;
- The desirability of appointing more Aboriginal Well-being Officers in the correctional system;
- Poor standards of health care in prisons, particularly in relation to mental health and possibly extending to the use of medication as a control mechanism;
- The need for extensive improvement to pre-release and post-release programs;
- The negative impact of prior criminal records on the development of a system of Aboriginal Official Visitors;
- The value of the proposed Indigenous Adult Residential Diversion Program;
- The need for more and better educational programs in prison, particularly with reference to Aboriginal culture;
- Despite some positive experiences, the difficulties engendered by distance, expense and, on occasion, existing criminal records in maintaining family visits to prisoners;
- Lack of cultural awareness among correctional staff at all levels; and
- Blatant racism by individuals within the correctional system.

Juvenile Justice

Community responses on the subject of Juvenile Justice were diverse and, understandably enough, often linked to concerns relating to factors falling under the heading of 'underlying influences' and the importance of these factors for young people. Some of the comments specifically addressed to Juvenile Justice, including comments from a number from young people in custody, related to:

- The need for more diversionary programs for Indigenous youth;
- Calls for improved dialogue with police in relation to their dealing with Indigenous youth;

- The possibility of both legal and parenting education programs in juvenile justice centres since many of those in custody are unaware of their legal rights, and growing numbers are becoming parents at an earlier age;
- Better post-release programs for juveniles and their families;
- Separate units for Indigenous offenders in institutions in order to counteract feelings of insecurity and cultural isolation;
- More cultural education programs in juvenile justice centres;
- The development of mentoring systems within juvenile justice centres; and
- The desirability of having a Koori Children's Court, though without the need for a guilty plea in order to have a matter heard.

1.3.3 The Way Forward

The Review notes the Government's commitment to the principles of the *VAJA*, which incorporates many of the Royal Commission's Recommendations in relation to the criminal justice system. It also notes that self-assessment responses from government departments and agencies suggest considerable progress in putting relevant policies into practice, developing new programs, making changes to custodial practices and facilities, and opening up a range of diversionary alternatives for Indigenous and other offenders.

Against this, however, the statistical picture of Indigenous contact with the criminal justice system does not yet appear to reflect the positive impact of the various initiatives that have been undertaken. It is also the case that across the spectrum of the entire criminal justice system, the Indigenous community, while recognising areas where progress has been made, still expresses feelings of considerable scepticism if not downright negativity in their dealings with justice agencies.

In Section 7 of the Review's Report, numerous and detailed suggestions are made as to how existing deficiencies in the system may be rectified, and further progress be made in specific areas towards implementation of the Royal Commission's Recommendations.

1.4 Making Implementation and Monitoring an Ongoing Commitment and Process

The Royal Commission was in 1991 and all this stuff has been talked about in one way or another, but when you look around at all of us here, nothing seems to have ever changed, has it? ... We keep on giving but seeing nothing much in return (Indigenous male prisoner).

When the Royal Commission happened, it happened because of the failed systems that were in place which led to the deaths in custody (Metropolitan Melbourne).

Most people think that this [Royal Commission] happened years ago and the reality is that nothing much has changed. Nobody ever really thinks about the Royal Commission anymore. It only means something to us blackfellas. These Recommendations have been floating around for years but nothing is ever done if the ones who are supposed to be doing the right thing don't do it (Indigenous male prisoner).

We think that an ongoing Review Team needs to be established so that it's not something that just happens once every five years or so (Metropolitan Melbourne).

Out of all the 339 Recommendations how many have really been put in place? You can only go by what the government tells you and that's not always exactly right is it? (Regional Victoria).

You need an ongoing review and you need to keep all these agencies on their toes. The community deserves it! (Regional Victoria).

The Royal Commission was 13 years ago. What do we have to show for it? Nothing has changed for Aboriginal people. The Royal Commission had 339 Recommendations. They are wonderful Recommendations but has anything much changed? Not really! (Regional Victoria).

The outstanding issue repeatedly raised by Indigenous people during the Review process was the need to develop an overarching and ongoing system for monitoring of progress towards implementation of the Royal Commission's Recommendations, in terms of both specific practice or program developments and compliance, and in terms of outcomes.

The Review has made some specific Recommendations, and recommends that the Victorian Government continue to implement and monitor specific recommendations unless otherwise indicated.

1.4.1 Government Summary

- The Victorian Government, as reported by AAV, has been actively working in partnership with a range of Indigenous organisations to implement specific Royal Commission Recommendations across many social policy areas.
- These partnerships include the *VAJA* signed in 2000 and the establishment of six RAJACs across Victoria, aimed at facilitating community initiatives to reduce contact with the criminal justice system.
- Opportunities for developing whole-of-government responses to Indigenous issues are advanced through structures such as the Premier's Aboriginal Affairs Advisory

Committee, the Victorian Aboriginal Justice Advisory Committee (VAJAC) and the development of AAVs over-arching whole-of-government policy framework.

- Addressing the underlying issues is reported as an ongoing requirement of relevant government departments developing and implementing Indigenous affairs policies consistent with the intent of the Royal Commission's Recommendations.
- High- level achievements reported on by AAV relate to the reviewing and implementation of the Recommendations, introducing reforms for the operation of the criminal justice system, enhancement of self-management and increasing the recruitment of Indigenous people within the public sector.
- Enhanced strategies for Indigenous participation include their earlier involvement in the development; delivery and evaluation of justice programs and policies which affect the community; the development of social indicators relating to Indigenous partnerships, land and culture, economic development and participation, family and community well-being; and improved justice outcomes to enable progress to be measured.

Ongoing monitoring of the Royal Commission's Recommendations must occur if they are to be effectively implemented and complied with. Such monitoring must be carried out in a systematic way so that the Recommendations become built into the fabric of government activity.

1.4.2 Indigenous Community Views

The Indigenous community and its organisations were quite vocal on the subject of implementation of the Royal Commission's Recommendations and how its progress might be monitored. Section 7 of the Review sets out these responses in some detail. Comments included:

- The undesirability of Victorian Government departments and agencies effectively undertaking self-assessments in this context;
- A fairly predominant view that, despite the time which has elapsed, relatively little seems to have been accomplished in terms of real, substantive progress;
- A strongly held view that, instead of being sporadic or carried out with long intervals in between, monitoring of implementation should be an ongoing process;
- Support for the move towards a more outcome-oriented set of performance indicators organised under key 'headline' criteria;
- Strong endorsement of the *VAA* as the foundation and guiding principles for implementation and monitoring; and
- The need for genuine consultation and participation of Indigenous people in relation to the machinery for monitoring and implementation of the Royal Commission's Recommendations.

1.4.3 The Way Forward

Section 7 makes a number of recommendations in relation to implementation and monitoring. These include suggestions that current governmental arrangements for securing Indigenous input into decision-making should be overhauled, and that best practice be identified and be more systematically and rigorously assessed for adaptation to developing Victorian Indigenous programs and improved service delivery arrangements.

Most importantly, however, the Review has concluded that implementation of the Royal Commission's Recommendations cannot be addressed on a piecemeal basis. It must be

overseen by an over-arching, dedicated body that is independent and can assume overall responsibility for ongoing monitoring of the Commission's Recommendations. The Review believes that this can best be realised through the establishment of a dedicated independent Commissioner for Aboriginal Social Justice and an appropriately resourced support team.

Recommendations to this effect are set out in Section 8 – Conclusions and Recommendations.

The Review also believes that, as currently proposed, whole-of-government accountability arrangements are needed for Victorian Government departments (and need to link to the role of the Commonwealth and local government) in order to contribute effectively to shared outcomes. Ongoing monitoring of implementation and compliance with the Recommendations cannot be left to individual departments or agencies, nor is it a task to be left to the community alone. Thus, the proposed creation of an independent Commissioner for Aboriginal Social Justice is seen as an essential element in the Government's accountability measures. This issue is further addressed in Section 8 of the Review Report.

1.5 Major Conclusions

The final section of this Report brings together the major conclusions and uses them to formulate a series of recommendations for the Victorian Government and the Indigenous community. These are reported on in Section 8 of the main Report.

1.5.1 Successfully Tackling the Underlying Issues

As indicated earlier in the Executive Summary, it is argued strongly (with details contained in Section 8 of the main Report) that there is a need to re-cast policy development relating to the underlying influences, which were seen as so crucial by the Royal Commission, within a framework of rights and social justice for Indigenous Victorians.

First and foremost it has been proposed that, on the evidence examined by the Review, the Victorian Government should acknowledge that there is a continuing shortfall in this respect. Having redefined the fundamental issue, as suggested above, as being one of basic rights and social justice for Indigenous Victorians, the Victorian Government should re-commitment to addressing underlying issues, including the adoption of practical measures designed to eliminate the continuing social and economic gap between Indigenous Victorians and other Victorians.

1.5.2 Effective Reduction of Indigenous Over-Representation in the Criminal Justice System

In Section 6 of the main body of the Review's Report, numerous and detailed suggestions are made as to how existing deficiencies in the criminal justice system may be rectified and further progress made towards implementation of the Royal Commission's Recommendations in this area. For example, the Review notes the Government's commitment to the principles of the *VAA*, which reinforces many of the Royal Commission's Recommendations regarding reform in the criminal justice system, including the Recommendation that both arrest and imprisonment should only be used as a last resort.

The Review found a need for greater understanding of the nature and causes of offending behaviours (and re-offending) and associated contact with the criminal justice system by Indigenous Victorians. Such improved understanding needs to be developed in partnership with the Indigenous community to achieve long-term benefits.

1.5.3 Making Implementation and Monitoring an Ongoing Commitment and Process

In Sections 7 and 8 of the Review Report it is suggested that, in addition to the internal accountability arrangements proposed for a strategic whole-of-government approach to implementation, there is a need for an ongoing and independent monitoring capacity in Victoria. It is proposed that this function should be fulfilled by an independent Commissioner for Aboriginal Social Justice supported by an adequately resourced Monitoring Unit.

The Review's proposal is that the Commissioner would report to Parliament, Government and the Indigenous community on progressing implementation of the Royal Commission Recommendations. Reports would encompass both comments relating to the implementation of specific Recommendations, and progress as measured by outcome-focused performance indicators. To carry out these functions the position would need to

carry appropriate powers, including the power to make formal requests to heads of Victorian Government and Authorities for assistance and the provision of relevant information.

1.5.4 Driving a Whole-of-Government Framework for Implementation

Section 8 of the Review Report spells out the case for a whole-of-government approach to addressing the underlying economic, social and cultural issues behind the breakdown of families and the continued over-representation of Indigenous people in Victoria's criminal justice system, and the related implementation and monitoring of the Royal Commission's Recommendations. In particular, the Review argues strongly that, without in any way compromising local community involvement, such an approach hinges crucially upon a system of accountabilities.

It is suggested that the ultimate responsibility for ensuring that a strategically planned whole-of-government approach is put in place should rest with a central co-ordinating point. As was pointed out in Section 8, the Victorian Government has already committed itself to such a structure in the *VAA* of 2000.

1.5.5 Strengthening Cultural Awareness and Understanding of Indigenous People

Throughout its deliberations this Review has been confronted by the presence of cultural ignorance – perhaps more properly termed lack of cultural sensitivity, understanding and respect; or sometimes, just outright racism. Although this phenomenon was not made the subject of a separate section of this Review Report, it appeared at some point in nearly every substantive issue scrutinised by the Review – from education to housing, employment and economic status; from health and well-being to the criminal justice settings of police, courts and corrections; and among the general public. The absence of cultural respect and understanding on the part of non-Indigenous people was raised at many points by Indigenous community members as a serious underlying problem.

The Review has noted the various programs and initiatives that are in place to counter this situation and the need for their enhancement. Despite the steps which have been taken, however, the Review is concerned that implementation of the Royal Commission Recommendations is impeded by a strong residual element of cultural ignorance, disrespect, lack of interest and, at times, racism. The Review expressed its concern that this issue does not feature as a high-level issue in the strategic whole-of-government framework incorporating outcome-oriented social performance indicators currently being developed in Victoria.

1.5.6 Making Indigenous Participation Effective

Throughout the Review process, the extent and efficacy of Indigenous participation was a recurrent theme – even though, again, it was not the subject of a separate section in this Review Report. In particular, it was noted that the often commendable level of consultation and negotiations engaged in by various agencies and departments imposed an enormous strain on the Indigenous community and its organisations, a burden that it is frequently under-resourced to bear.

Similarly, participation by Indigenous individuals and organisations in programs and consultative processes were found were frequently found to be plagued by scarcity of resources, both human and material. There were also specific comments about Indigenous recruitment difficulties experienced across government departments, which highlight the

need for the provision of adequate levels of skill and educational training for Indigenous people.

There were also concerns expressed during the Review about the current organisational structure for Indigenous participation in Victoria. Bodies such as the Victorian AJF and the RAJACs are, arguably, too narrowly focused on justice issues to encompass consideration of the broader issues so strenuously canvassed by the Royal Commission.

Non-justice recommendations and issues must be referred to the other partnership forums being established between Government and the Indigenous community, in order to ensure that both government agencies and Indigenous advocacy groups apply appropriate attention to the implementation of the Recommendations.

1.5.7 Emerging Issues

The Review acknowledges that the environment in 2005 is vastly different from that in 1991 when the Royal Commission released its Report. In particular, a range of issues not identified or addressed by the Royal Commission have been identified as having a significant impact on Victoria's Indigenous community, including:

- Mental health issues and access to culturally relevant services;
- Substance abuse and inhalation of volatile substances;
- Increasing numbers of women in contact with the justice system;
- Increasing number of persons apprehended for offences relating to Justice procedures;
- Greater reporting of family and sexual violence in Indigenous communities;
- Over-representation of children in out-of-home care;
- Projected increase in the Indigenous population;
- Expansion and impact of legal gambling;
- Complaints mechanisms and their responsiveness;
- Impact of new legislation and policies on Indigenous contact with the criminal justice system;
- Community capacity developments and whole-of-government issues; and
- Increased awareness and focus on family violence and early intervention and prevention issues.

1.6 Review Recommendations

The Implementation Review Team recommends that, where a recommendation is made to undertake a review and/or evaluation, there must be Indigenous community participation. The Indigenous community should be involved at all stages of the review and/or evaluation process, such as the development of reviews scope, terms of reference, tender process, and reporting back to the appropriate forum.

Recommendation 1.

- That the Victorian Government expand the definition of an Indigenous death in custody to incorporate other categories including:
 - police pursuits;
 - community custodial orders, such as Intensive Corrections Orders and Community Custodial Permits;
 - other custodial arrangements such as day/weekend release and parole;
 - involuntary psychiatric patients in hospitals; and
 - in expanding the definition of an Indigenous death in custody the Victorian Government should seek National agreement.

Recommendation 2.

- That the Departments of Justice (Corrections Victoria) and Human Services (Juvenile Justice):
 - (a) ensure that there are adequate and appropriate pre- and post-release procedures and programs in place to reduce the risk of death occurring post-release; and
 - (b) provide a report to the Aboriginal Justice Forum on (a).

Recommendation 3.

That the Department of Human Services continue to implement and monitor Recommendation 289 (relating to preschool education) through any monitoring process established as a consequence of this Review.

Recommendation 4.

- That the Department of Education and Training, in partnership with the Victorian Aboriginal Education Association Incorporated, consult with the Indigenous community on the implementation of Recommendation 298, relating to further education; and
 - (a) evaluate the Koori Open Door Education (KODE) program and assess its suitability for any improvements or further extension across the State;
 - (b) investigate the practice of suspensions in relation to Indigenous students, with a view to identifying ways of reconciling divergent views on the appropriateness of its utilisation;
 - (c) evaluate the arrangements arising out of Yalca and other departmental initiatives for the delivery of effective, culturally sensitive, locally based primary, secondary and tertiary education to Aboriginal communities ensuring appropriate Indigenous participation in the evaluation and delivery;
 - (d) review what has been implemented and by whom, in relation to Recommendations 295-297 on teacher training;
 - (e) provide data on the number of Indigenous people trained and subsequently employed in the education field and in what capacity (Recommendation 294);
 - (f) report on Koori community controlled or supported adult education;
 - (g) report on the evaluation review and reappraisal of policy in relation to truancy and investment of resources to address truancy (Recommendation 72); and
 - (h) provide a report on (a)-(g) to the appropriate Indigenous Education Forum.
- That the Victorian Government continue to implement and monitor Recommendations 290-299 (relating to Aboriginal education, needs, participation, and the role of the Aboriginal community in school decision making) and Recommendation 72 (relating to truancy) through any monitoring process established as a consequence of this Review.

Recommendation 5.

- That the Department for Victorian Communities:
 - (a) expand the Indigenous Employment Initiative in Shepparton to other areas across the State and whether the target of providing 100 employment opportunities over a three-year period has been achieved (Recommendation 301 relating to employment development agreements);
 - (b) examine the various schemes for the enhancement of local Indigenous involvement in stimulating economic activity (Recommendations 302-303 relating to the proposed examination of various schemes for the enhancement of local Aboriginal involvement in stimulating economic activity);
 - (c) advise on how the needs of local Indigenous communities are linked to mainstream labour market programs and what proportion of the resourcing for those programs is allocated to Indigenous groups (Recommendation 304 relating to training and active labour market programs);
 - (d) advise on the provision of preferential tendering and the employment of Indigenous people in any Victorian Government tendering work (Recommendation 307 relating to preference to tenderers who employ Aboriginal people);
 - (e) establish a peak body, with partners drawn from the Commonwealth Government, private sector and Indigenous community (supported by a network of local employment promotion committees) to begin the process of implementing an Aboriginal Employment Development Program type strategy in Victoria (Recommendation 308 relating to the encouragement of Aboriginal employment in the private sector and Recommendation 309 relating to funding local employment promotion committees);
 - (f) ensure that the Aboriginal Employment Development Program type strategy is underpinned by significant research on the correlation between Indigenous over-representation and economic disadvantage (Recommendations 308 and 309);

Recommendation 5.

- (g) ensure that the principles of the Victorian Aboriginal Justice Agreement are underpinned in the establishment of the peak body referred to in (e) above (Recommendations 308 & 309);
 - (h) apply the principles enshrined in Recommendations 311 to 313 (relating to Aboriginal enterprise and developing economic opportunities to its own business enterprise programs);
 - (i) report on what steps have been implemented to maximise Indigenous employment through Aboriginal interests in any major mining and tourism development (Recommendation 314);
 - (j) work with the Commonwealth Government on the effective delivery of the Community Development Employment Program across all Indigenous communities (Recommendations 317-319), noting the concerns raised by the Koori Business Network;
 - (k) undertake further research into the economic circumstances of Indigenous people at Lake Tyers and Framlingham Aboriginal Trusts (Recommendation 320);
 - (l) determine the contribution in which Indigenous communities make to the local or regional economy and the impact of the income and tax system on Aboriginal individuals and organisations (Recommendation 320);
 - (m) facilitate realistic economic planning by Indigenous communities which is consistent with the prevailing economic circumstances (Recommendation 320);
 - (n) advise whether a database has been established, how it is being maintained and how it is used and accessed by the Indigenous community to assist in their planning processes (Recommendation 320); and
 - (o) provide a report to the Aboriginal Justice Forum on (a)-(n).
- That the Victorian Government continue to implement and monitor Recommendation 301 (relating to employment development agreements); Recommendations 302-303 (relating to the proposed examination of various schemes for the enhancement of local Aboriginal involvement in stimulating economic activity), Recommendation 304 (relating to training and active labour market programs), Recommendation 308 (relating to the encouragement of Aboriginal employment in the private sector), Recommendation 309 (relating to funding local employment promotion committees), Recommendations 311-313 (relating to Aboriginal enterprise and developing economic opportunities to its own business enterprise programs), Recommendation 314 (relating to Indigenous employment through Aboriginal interests in any major mining and tourism development), Recommendation 317-319 (relating to Community Development and Employment Project) and Recommendation 320 (relating to the impact of the income and tax system on Aboriginal individuals and organisations through any monitoring process established as a consequence of this Review).

Recommendation 6.

- That the State Services Authority continue to implement and monitor Recommendations 305 and 306 (relating to detailed targeting of Aboriginal employment in the public service and enhanced public sector employment targets respectively) through the Wur-cum barra Employment Strategy including:
 - (a) whether the targets in the Wur-cum barra Strategy to maximise employment of Indigenous officers in all areas and in all levels of the Victorian Public Service and the Private Sector are being achieved;
 - (b) whether the targets set in the Wur-cum barra Strategy are based on the high unemployment levels in the Indigenous community, rather than on the proportionate size of the Indigenous community; and
 - (c) what resources have been allocated to implement the Wur-cum barra Strategy; and
 - (d) provide a report to the Aboriginal Justice Forum on (a)-(c).

Recommendation 7.

- That the Departments of Justice (Corrections Victoria) and Human Services (Juvenile Justice):
 - (a) develop specific initiatives to address the education, training and employment needs of Indigenous offenders in conjunction with the Commonwealth (Recommendation 310). This initiative has also been identified as a requirement in the Victorian Aboriginal Justice Agreement;
 - (b) provide a report to the Aboriginal Justice Forum on (a).
- That the Victorian Government continue to implement and monitor Recommendation 310 (relating to educational and training requirements of actual or potential offenders) through any monitoring process established as a consequence of this Review.

Recommendation 8.

- That the Department of Education and Training:
 - (a) provide advice on the implementation of the *Wurreker* strategy, particularly with reference to its effectiveness (including evaluation from an Indigenous perspective, numbers in courses and how the contribution of local Indigenous communities in the process is being strengthened);
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 304 (relating to training and active labour market programs) through any monitoring process established as a consequence of this Review.

Recommendation 9.

- That the Department of Infrastructure and the Department for Victorian Communities:
 - (a) ensure that appropriate levels of road funding are allocated to Lake Tyers and Framlingham Aboriginal Trusts;
 - (b) provide a report to the Secretaries Group for Aboriginal Affairs on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 75 (relating to consultation with the Indigenous community for road funding) through any monitoring process established as a consequence of this Review.

Recommendation 10.

- That the Department for Victorian Communities (Aboriginal Affairs Victoria):
 - (a) report on the extent of whole-of-government approaches regarding Recommendation 76 (relating to integrated analysis of infrastructure, housing, essential services and health); and
 - (b) report on an integrated analysis of infrastructure, housing, essential services and health to Lake Tyers and Framlingham Aboriginal Trust communities;
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b); and
- That the Victorian Government continue to implement and monitor Recommendation 76 (relating to integrated analysis of infrastructure, housing, essential services and health) through any monitoring process established as a consequence of this Review.

Recommendation 11.

- That the Department of Human Services (Office of Housing) in partnership with the Commonwealth Government and Indigenous Housing Groups:
 - (a) continue to support the collaborative planning approach for Indigenous housing in Victoria and, in particular, the strategies developed to this end in 2003;
 - (b) implement and monitor Recommendation 324 relating to integrating service delivery and administrative needs particularly in respect of Lake Tyers and Framlingham;
 - (c) closely scrutinise its service agreement with the Aboriginal Housing Board of Victoria to ensure that the provisions of Recommendation 325 (relating to the provision of assistance to Aboriginal housing organisations) are observed, and how any difficulties are or can be overcome;
 - (d) provide a report to the Victorian Indigenous Housing Joint Planning Committee on (a)-(c); and
- That the Victorian Government continue to implement and monitor Recommendation 324 (relating to integrating service and administrative needs) and Recommendation 325 (relating to the provision of assistance to Aboriginal housing organisations) through any monitoring process established as a consequence of this Review.

Recommendation 12.

- That Recommendation 326 (relating to Indigenous participation in housing and construction training programs and the funding thereof), be drawn to the attention of the Departments of Education and Training and Human Services (Office of Housing) for action and that a report be provided to the Victorian Indigenous Housing Joint Planning Committee.

Recommendation 13.

- That Recommendation 327, relating to the training of Aboriginal people to build and maintain essential community infrastructure:
 - (a) be referred to the Department of Education and Training for consideration under the auspice of the *Wureker* partnership;
 - (b) provide a report to the Victorian Indigenous Housing Joint Planning Committee on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 327 (relating to the training of Aboriginal people to build and maintain essential community infrastructure) through any monitoring process established as a consequence of this Review.

Recommendation 14.

- That the Department of Justice (Consumer Affairs Victoria) together with the Equal Opportunity Commission and the Aboriginal Housing Board of Victoria:
 - (a) undertake a review of alleged racism in the private rental market against Indigenous people;
 - (b) develop education and compliance measures to address any identified issues; and
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b).

Recommendation 15.

- That the Department of Justice (Corrections Victoria) and the Department of Human Services (Office of Housing):
 - (a) advise on the availability of and arrangements on the establishment of half-way houses and accommodation units/facilities specifically provided for Indigenous post-release prisoners seeking short-term accommodation; and
 - (b) provide a report to the Aboriginal Justice Forum and the Victorian Indigenous Housing Joint Planning Committee on (a).

Recommendation 16.

- That the Departments of Justice (Corrections Victoria) and Human Services (Juvenile Justice):
 - (a) work with the Stolen Generations Organisation of Victoria (and associated initiatives including Koori Family History Service and Link-Up);
 - (b) maximise access to correctional facilities to Aboriginal people responsible for the delivery of programs on re-establishing links to families to Indigenous offenders and those in custody as required under the Victorian Aboriginal Justice Agreement, 2.14 (Recommendation 52 relating to re-establishing links with community and family); and
- That the Victorian Government continue to implement and monitor Recommendation 52 (relating to the re-establishing links with community and family) through any monitoring process established as a consequence of this Review.

Recommendation 17.

- That the Department for Victorian Communities (Public Record Office Victoria and Aboriginal Affairs Victoria):
 - (a) report to both the Minister for Aboriginal Affairs and the Stolen Generations Organisation of Victoria on the ongoing implementation and monitoring of Recommendations 52 and 53 and that these agencies;
 - (b) review the level of supported access, service consistency and funding support relating to family and community records offered to the Indigenous community (including prisoners and offenders);
 - (c) report to the Stolen Generations Organisation of Victoria on progress in implementing the 54 recommendations from the Bringing Them Home Report and the nine recommendations from Stolen Generations Taskforce Report to Government, April 2003, particularly with regard to sectorial reform, records access and developing an understanding between record holding agencies in Victoria and the Aboriginal community; and
 - (d) provide ongoing access to archival records pertaining to the histories of Aboriginal people and communities.

Recommendation 18.

- That the Department for Victorian Communities (Office for Youth):
 - (a) conduct a review on the resources and infrastructure for youth programs available to Indigenous organisations given their responsibilities including clarification of agencies' expertise, roles and responsibilities in the Indigenous youth sector;
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 236 (relating to the negotiation with Aboriginal communities and organisations in the devising of Aboriginal youth programs) through any monitoring process established as a consequence of this Review.

Recommendation 19.

- That the Department of Human Services:
 - (a) develop cultural strengthening training programs for Indigenous youth in custody, including the development of personal cultural plans with specific strategies to maintain the young persons connection with their community;
 - (b) amend the Children and Young Persons Act, 1989, to incorporate the Aboriginal Child Placement Principle, and ensure adequate funding is provided to enable compliance by Child Protection and the Children's Courts to this Principle. This should be done in negotiation with its Commonwealth counterpart to ensure it is enshrined in its legislation (Recommendation 54);
 - (c) address all shortcomings (including legislative, resources, skills development) in the implementation of Recommendation 54 relating to the Aboriginal Child Placement Principle and the essential role of Aboriginal Child Care Agencies with the objective of reducing the number of Indigenous children removed from their families, including development of a workforce development strategy to enhance the Aboriginal Child and Family Welfare system in Victoria;
 - (d) ensure that adequate resources and programs, developed jointly with the Victorian Aboriginal Child Care Agency, are provided to the Aboriginal Child and Family Welfare Services to meet the breadth of their responsibilities, including capacity building of Aboriginal specific early intervention and prevention services;
 - (e) ensure adequate resources are made available to mainstream Child and Family Welfare Services to ensure cultural factors are considered at all key decision making stages, including in Statutory Child Protection matters, and contact is maximised with the Aboriginal community (Recommendation 235);
 - (f) ensure that non-Indigenous services providers and their employees working with Indigenous young people undertake cultural training;
 - (g) utilise Indigenous families and child advocacy groups as the primary source of advice in relation to Indigenous juveniles in the welfare and justice systems (Recommendation 235);
 - (h) ensure there are systematic links between the Indigenous Family Violence Strategy and the implementation of the Royal Commission's Recommendations relating to families and children to ensure a holistic approach to Indigenous family and child wellbeing (Recommendations 52-54 and 235-236); and
 - (i) report regularly to the Department of Human Services Aboriginal Human Services Forum on the continued implementation and monitoring of (a)-(h).

Recommendation 20.

- That the Department of Human Services, in partnership with the Victorian Aboriginal Community Controlled Health Organisation:
 - (a) resolve questions of ownership with the Indigenous community (in relation to data collection and use) and resolve issues of Indigenous self-identification (Recommendation 246); and provide appropriate resources to Indigenous community organisations in respect of their role in the generation of data collection (Recommendation 270);
 - (b) reconsider the relevance of the learning process about the philosophy and methods of operation of the Aboriginal community controlled health services (Recommendation 248);
 - (c) monitor the Commonwealth funded pilot scheme for improvements to health information systems (Recommendation 250);
 - (d) increase the number of Koori Hospital Liaison Officers in areas of high Indigenous numbers to enable effective attendance and participation in hospital casualty procedures (Recommendation 252);
 - (e) implement a policy of appointing suitable Indigenous persons to boards of hospitals in areas with a significant Indigenous population (Recommendation 254);
 - (f) recognise the need for training of Aboriginal health care workers and ensure the provision of adequate resourcing of current initiatives be assessed in negotiation with VACCHO (Recommendation 257);
 - (g) provide resources to enable enhanced cross-cultural awareness training for health services staff, particularly for those working in areas of where there is a significant concentration of Aboriginal people, (Recommendation 263);
 - (h) report on its response to the recommendations of the Purro Birik evaluation and related mental health matters (Recommendation 265);
 - (i) evaluate the liaison arrangements between Aboriginal mental health services and other local health and support services so as to improve better integration and linkages. (Recommendation 266);
 - (j) accept that distance is an issue for Victorian Indigenous communities, particularly for persons in regional communities with a mental illness (Recommendation 267);
 - (k) accept the need for specific research into the health needs of Indigenous Victorians (Recommendation 268). Given the gap in life expectancy of Indigenous Victorians with that of other Victorians it is totally inconceivable that the Department would consider Indigenous health research specific to Victoria as not relevant;
 - (l) ensure that compliance with National Health and Medical Research Council Guidelines on Ethical Matters in Aboriginal and Torres Strait Islander Health Research is a condition of Victorian Government research funding (Recommendations 269 and 270); and
 - (m) provide a report on (a)-(l) to the Victorian Aboriginal Council on Koori Health (VACKH).
- That the Victorian Government continue to implement and monitor Recommendations 241, 246, 248, 250, 252, 254, 257, 263, 265-269 and 270 through any monitoring process established as a consequence of this Review.

Recommendation 21.

- That the Department of Human Services:
 - (a) address the shortage of trained Indigenous researchers in the field of alcohol abuse (Recommendation 64 relating Aboriginal involvement in research on alcohol); and
 - (b) address the specific requirements for improved data on alcohol and other substance abuse among Indigenous people in respect of Recommendation 65 (relating to data collection and research on alcohol use).
 - (c) recognise that alcohol is a major contributing factor to Indigenous disadvantage and implement Recommendation 66, actively prioritising and funding Victorian specific research on Indigenous alcohol and drug use;
 - (d) continue to improve baseline data and monitoring mechanisms on Indigenous alcohol use at the regional and state levels (Recommendation 67 relating to research into the health social and economic consequences of alcohol use);
 - (e) continue its collaborative work with the Indigenous community to improve Indigenous identifiers relating to alcohol and drug data and collection (Recommendation 68 relating accurate identification of Aboriginal people in data sets);
 - (f) in conjunction with funding bodies and research organisations in Victoria, research the causal connection between Indigenous alcohol use and other drugs (Recommendation 69 relating to causal connection between alcohol use and drug data);
 - (g) give urgent consideration to the development of Aboriginal-specific early intervention and prevention programs for use in hospitals and community health centres with a high proportion of Aboriginal clients drawing on the experience of more broadly based programs but would be tailored specifically to the social and cultural context of Aboriginal people (Recommendation 283 relating to early intervention programs in hospitals);
 - (h) continue to implement Recommendation 285 (relating to the employment of Aboriginal drug and alcohol workers), and expand the current training provision for Aboriginal alcohol and drug workers in an accessible, flexible and culturally relevant way;
 - (i) audit initiatives in relation to petrol sniffing and solvent abuse (chroming) against the recommendations made by the Victorian Parliamentary Drugs and Crime Prevention Inquiry into the Inhalation of Volatile Substances and the Government's response (Recommendation 286 relating to co-ordinating petrol sniffing policies and resources);
 - (j) continue to implement and monitor the Recommendation 287 (relating to greater priority to alcohol and drug programs being accessible and staffed by trained Aboriginal workers) and provide a report on the evaluation of the Koori Drug and Alcohol Plan 2003-2004 and associated training courses;
 - (k) continue to implement and monitor Recommendation 285 and provide a report on the training program in relation to negative stereotyping of Indigenous clients; and
 - (l) provide a report to the Department of Human Services Aboriginal Human Services Forum on (a)-(k).

Recommendation 22.

- That the Department of Justice (Liquor Licensing):
 - (a) report on the frequency and outcome of objections from Aboriginal communities to the granting or variation of packaged liquor licenses in Victoria (Recommendation 277);
 - (b) report on whether more extensive control over local liquor availability has been considered in respect of Indigenous communities and, if so, the arguments that were presented for and against its adoption (Recommendation 278);
 - (c) investigate the serving of intoxicated persons, the apparent disparity between levels of enforcement across Victoria (Recommendation 59);
 - (d) in partnership with the Department of Justice (Indigenous Issues Unit) and Indigenous advocacy groups, actively participate in national forums in developing initiatives and policies for dealing with alcohol abuse in Indigenous communities (Recommendation 63);
 - (e) report on resources required under this recommendation, with a view to its importance for enhancing pro-active action in this area (Recommendations 272);
 - (f) reconsider the relevance of Recommendation 273 to Victoria (relating to the appointment of Indigenous community workers with power to inspect licensed premises) and explore alternatives with the Regional Aboriginal Justice Advisory Committee Network (Recommendation 273);
 - (g) report on the concentration of packaged liquor licences in Victoria (Recommendation 274);
 - (h) report on Recommendations 276 and 277 on the frequency and outcome of objections from Aboriginal communities to the granting or variation of packaged liquor licenses;
 - (i) report on whether more extensive control over local liquor availability as envisaged by Recommendations has been considered and if so, the arguments that were adduced for and against its adoption Recommendation 278;
 - (j) provide a report to the Aboriginal Justice Forum on (a)-(i); and
- That the Victorian Government continue to implement and monitor the above Recommendations 59, 63, 272-274, 276-278 through any monitoring process established as a consequence of this Review.

Recommendation 23.

- That the Victorian Government, in partnership with the Indigenous community:
 - (a) develop and enshrine in legislation a policy on self-determination that is supported by a set of foundation principles and protocols (modelled on those contained in the Victorian Aboriginal Justice Agreement and other partnership strategies between the Victorian Government and Indigenous Community) on which Indigenous policies and programs are developed and implemented (Recommendation 188 relating to the application of the self-determination principles to policies and programs);
 - (b) and Australian Governments work together to provide Indigenous community organisations with resources to access management training (Recommendation 197 relating to the training of staff in Aboriginal organisations);
 - (c) develop a strategy to ensure that the local government sector has a greater participation and accountability in reducing Indigenous disadvantage (Recommendation 201 relating to models for local governance);
- That the Department for Victorian Communities (Aboriginal Affairs Victoria):
 - (a) provide information on funding of Indigenous services and programs to the Indigenous community to the Aboriginal Justice Forum;
 - (b) establish a website consolidating all Indigenous programs, related guidelines and applications; and
- That the Victorian Government continue to implement and monitor Recommendations 188, 190-199, 200-204 through any monitoring process established as a consequence of this Review.

Recommendation 24.

- That the Victorian Government continue to implement and monitor Recommendations 334 to 338 in relation to processes for restoring, granting and purchasing land in respect of reporting as priority to the proposed Statewide Indigenous representative body;
- The Department of Sustainability and Environment, Department for Victorian Communities (Aboriginal Affairs Victoria) and the Department of Justice (Native Title Unit), report to the Aboriginal Justice Forum on progress with the development of the Indigenous Partnership Strategy associated with the Addressing Dispossession policy framework and on arrangements for involvement of Indigenous communities in the development of plans and strategies for addressing their land needs; and
- That the Victorian Government consider legislative amendments to the Native Title Act 1993 in order to allow for options other than the transfer of unalienated land to Aboriginal communities.

Recommendation 25.

- That the Department of Education and Training provide further information to the appropriate Indigenous Education Forum on:
 - (a) the proposed Statewide Indigenous representative body in relation to the Victorian Aboriginal Corporation for Languages (Recommendation 55 relating to Aboriginal languages);
 - (b) the Indigenous Languages of Victoria (Retrieval and Reclamation Pathway) Study Design; and
 - (c) the Koori Middle Years and Early Literacy Links Project and the School Network Languages Plans, including information about the extent of Aboriginal participation, consultation and employment in connection with the programs in question (Recommendation 55 relating to Aboriginal languages).
- That the Victorian Government continue to implement and monitor Recommendation 55 (relating to Aboriginal languages) through any monitoring process established as a consequence of this Review.

Recommendation 26.

- That the Department for Victorian Communities (Aboriginal Affairs Victoria):
 - (a) report on the proposed Statewide Representative body on the funding of the Community Resources Infrastructure Program;
 - (b) report on the Victorian Regional Cultural Heritage Program (Recommendation 56 relating to Government support of initiatives to familiarise people with aspects of Aboriginal history, traditions, and contemporary culture) and the extent of Koori employment therein, any training that is provided and plans for enhancing program design and delivery;
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b); and
- That the Victorian Government continue to implement and monitor Recommendation 56 (relating to Government support of initiatives to familiarise people with aspects of Aboriginal history, traditions, and contemporary culture) through any monitoring process established as a consequence of this Review.

Recommendation 27.

That the Victorian Government accept that Recommendation 205 relating to the media and the development of protocols with the Indigenous community, is relevant to Victoria and that it provide advice to the proposed Statewide Indigenous Representative body on steps taken to facilitate its implementation.

Recommendation 28.

- That the Victorian Government develop an overarching policy for the support and protection of Indigenous arts in the wider arts market including consideration for a pro-active program of purchasing, commissioning and the exhibition of Victorian Koori arts (for example through the National Gallery of Victoria) (Recommendation 209);
- That the Department for Victorian Communities (Aboriginal Affairs Victoria) provide updated information to the proposed Statewide Indigenous Representative body on how the functions of the original Koori Community Fund in relation to arts are being fulfilled within the Indigenous Community Capacity Building Fund (Recommendation 209); and
- That the Department of Industry, Innovation and Regional Development provide further information to the proposed Statewide Indigenous Representative body on how problems relating to resourcing arts business opportunities, recognition of Indigenous art forms, employing Aboriginal Arts Officers and support for the creation of Aboriginal owned and operated centres and businesses in Victoria might best be addressed (Recommendation 209).
- That the Victorian Government continue to implement and monitor Recommendation 209 (relating to the support for Aboriginal arts and associated marketing) through any monitoring process established as a consequence of this Review.

Recommendation 29.

That the Department of Sustainability and the Environment review the potential application of the principles embedded in Recommendation 315 (relating to National Parks, and their suitability to Indigenous involvement in the management of Victorian parks).

Recommendation 30.

- That, in relation to Recommendation 210 relating to cultural awareness training, Victorian Government departments and agencies report to the proposed Statewide Indigenous Representative body on:
 - (a) the evaluation of their respective cultural awareness training courses;
 - (b) how the cultural sensitivity of their officers and their initiatives are assessed by the Aboriginal community or persons; and
- That the Victorian Government continue to implement and monitor Recommendation 210 (relating to cultural awareness training) through any monitoring process established as a consequence of this Review

Recommendation 31.

- That in respect of Recommendations 211-213, relating to anti-discrimination mechanisms, the Equal Opportunity Commission of Victoria in partnership with the RAJAC Network:
 - (a) report on the capacity to meet its responsibilities to Indigenous people and community;
 - (b) report on activities in relation to the Indigenous community and any future review of it in a human rights rather than an anti-discrimination framework;
 - (c) report on short and longer term strategies for overcoming difficulties cited in relation to Recommendation 212 and include plans for the development of protocols for interaction between EOC and Government departments and agencies such as police, prisons and schools at all levels.
 - (d) provide a report to the Aboriginal Justice Forum on (a)-(c); and
- That the Victorian Government continue to implement and monitor Recommendations 211-213, (relating to anti-discrimination mechanisms) through any monitoring process established as a consequence of this Review.

Recommendation 32.

- That the Department for Victorian Communities (Aboriginal Affairs Victoria):
 - (a) initiate discussions with the media and other related bodies and Indigenous organisations in relation to Recommendations 206-208 and consider proposals, including:
 - establishment of an annual media award in line with the Royal Commission's Recommendation 206;
 - examine the content and structure of journalism courses in accordance with Recommendation 207 relating to teaching and reporting of Indigenous matters;
 - exploring ways of improving contact between Aboriginal organisations and the media industry and unions in keeping with Recommendation 208;
 - (b) provide a report to the Secretaries Group for Aboriginal Affairs on (a); and
- That the Victorian Government continue to implement and monitor Recommendations 206-208 (relating to Aboriginal involvement in media and journalism) through any monitoring process established as a consequence of this Review.

Recommendation 33.

- That the Department for Victorian Communities:
 - (a) report to the Statewide Indigenous Representative body on the status of the reconciliation process within the State, with a particular emphasis on the public sector and local government areas (Recommendation 339 relating to the reconciliation process in Victoria); and
- That the Victorian Government continue to implement and monitor Recommendations 339 (relating to the reconciliation process in Victoria) through any monitoring process established as a consequence of this Review.

Recommendation 34.

- That Victoria Police report to the Aboriginal Justice Forum on the explanations for the low levels of cautioning for Indigenous youth (Recommendations 87, 239 and 240) and advise on how these Recommendations could be fully implemented;
- That the Department of Justice (Indigenous Issues Unit) contract an independent agency to lead, in partnership with Victoria Police and the Victorian Aboriginal Legal Service, a detailed review of the use of cautioning across Victoria in relation to Indigenous youth;
- That the Departments of Human Services and Justice (Indigenous Issues Unit) report to the Aboriginal Justice Forum on what efforts are being directed to increase the appointment of Indigenous people as Independent Persons across all Indigenous communities;
- That the Department of Human Services (Juvenile Justice) report to the Aboriginal Justice Forum on the ongoing development of the Koori Juvenile Justice Program; and
- That the Victorian Government continue to implement and monitor Recommendations 87 (arrest as a last resort), 239 (arrest of Aboriginal juveniles) and 240 (use of cautions) through any monitoring process established as a consequence of this Review.

Recommendation 35.

- That Victoria Police:
 - (a) continue with and/or introduce the Police Schools Involvement Program (Recommendation 227) in areas where there is a high population of Indigenous school children and young people;
 - (b) continue to monitor the impact of resourcing of local police involved with the Police Schools Involvement Program;
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b); and
- That the Victorian Government continue to implement and monitor Recommendation 227 (relating to the Police Schools Involvement Program) through any monitoring process established as a consequence of this Review.

Recommendation 36.

- That Victoria Police:
 - (a) undertake an independent review of local Aboriginal/Police liaison arrangements regarding what options are available to avoid juveniles being held in custody;
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 242 (relating to the detainment of juveniles in police lockups), and Recommendations 243 and 244 (relating to the presence of Independent Persons at interview for juveniles) through any monitoring process established as a consequence of this Review.

Recommendation 37.

- That Victoria Police:
 - (a) provide adequate funding to support the Aboriginal Community Justice Panel program to ensure that they are fully operational across Victoria;
 - (b) monitor the findings and implementation of the ongoing review of Community Justice Panels and ensure that the difficulties drawn to the attention of this Review by local community members are addressed; and
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b)
- That the Victorian Government continue to implement and monitor Recommendations 220 and 221 (relating to the funding of Community Justice Panels and the remuneration of Aboriginal people involved in community and police initiated schemes) through any monitoring process established as a consequence of this Review.

Recommendation 38.

- The Department of Justice (Criminal Law Policy):
 - (a) conduct an evaluation of the overall operation of bail legislation in relation to Aboriginal people;
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 89 (relating to the monitoring and granting of bail), Recommendation 90 (relating to action to be taken when bail is denied) and Recommendation 91 (relating to the amendment to bail legislation), through any monitoring process established as a consequence of this Review.

Recommendation 39.

- That Victoria Police provide a report to the Aboriginal Justice Forum on the review of in-service training relating to the duty-of-care of persons held in custody (Recommendation 122); and
- That the Victorian Government continue to implement and monitor Recommendation 122 (relating to duty-of-care) through any monitoring process established as a consequence of this Review.

Recommendation 40.

- That the Victorian Government continue to implement and monitor Recommendation 123 (relating to the breaches of instructions on the care of persons in custody) and Recommendation 124 (relating to de-briefing services following an important incident) through any monitoring process established as a consequence of this Review.

Recommendation 41.

- That Victoria Police:
 - (a) take urgent steps to address any funding issues in Recommendation 127 relating to the provision of adequate medical services for Aboriginal people in police custody;
 - (b) report on the implementation of locally based protocols between police, medical and para-medical agencies;
 - (c) report on the establishment of appropriate systems of liaison between the Aboriginal Health Service to ensure the transfer of relevant health, medical and risk status of Indigenous persons in police custody;
 - (d) provide a report on (a)-(c) to the Aboriginal Justice Forum; and
- That the Victorian Government continue to implement and monitor Recommendations 127 and 128 (relating to the provision and standards of medical services for Aboriginal people in custody) through any monitoring process established as a consequence of this Review.

Recommendation 42.

- That Victoria Police, in partnership with the Victorian Aboriginal Legal Service and any other relevant agencies, provide a report to the Aboriginal Justice Forum detailing any progress of discussions on the evaluation of breath analysis equipment to test blood alcohol levels of persons taken into custody; and
- That the Victorian Government continue to implement and monitor Recommendation 129 (relating to the use of breath analysis equipment) through any monitoring process established as a consequence of this Review.

Recommendation 43.

- That Victoria Police and the Department of Justice (Criminal Law Policy):
 - (a) monitor the operation of the E*Justice system as a means of sharing relevant medical information between police and other agencies; and
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 130 (relating to the use of breath analysis equipment) through any monitoring process established as a consequence of this Review.

Recommendation 44.

That the Victorian Government continue to monitor the implementation of Recommendations 131 and 132 (relating to the transfer of information between police shifts) through any monitoring process established as a consequence of this Review.

Recommendation 45.

That the Victorian Government continue to monitor the implementation of Recommendations 135 and 136 (relating to the transportation of and medical aid to unconscious persons) through any monitoring process established as a consequence of this Review.

Recommendation 46.

- That Victoria Police provide a report to the Aboriginal Justice Forum on compliance with Recommendations 137, 139, 140-141 in relation to the need for personal checks of detainees in cells; and
- That the Victorian Government continue to implement and monitor Recommendation 137 (relating to regular and thorough checks of all detainees, Recommendation 139 in relation to the importance of personal cell checks, Recommendation 140 in relation to alarm and intercom systems, and Recommendation 141 in relation to the personal supervision of detainees), through any monitoring process established as a consequence of this Review.

Recommendation 47.

- That Victoria Police provide a report to the Aboriginal Justice Forum detailing the ways in which cell visits are facilitated and encouraged (Recommendation 146 relating to cell visits by relatives and friends); and
- That the Victorian Government continue to implement and monitor Recommendation 145 (relating to cell visitor schemes and Recommendation 146 in relation to the encouragement and facilitation of cell visits by relatives and friends), through any monitoring process established as a consequence of this Review.

Recommendation 48.

- That Victoria Police:
 - (a) amend the Victoria Police Manual to include the notification to family member(s) or guardian(s) of Indigenous persons detained in custody (Recommendation 147);
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 147 (relating to the immediate notification of relatives) through any monitoring process established as a consequence of this Review.

Recommendation 49.

- That Victoria Police:
 - (a) report on the standard of its cells and take immediate remedial action where it is required (Recommendation 148);
 - (b) provide details on the form and extent of Indigenous consultation over facility design issues not involving security;
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b); and
- That the Victorian Government continue to implement and monitor Recommendation 148 (relating to initiatives to reduce the use of outmoded cells) through any monitoring process established as a consequence of this Review.

Recommendation 50.

- That Victoria Police:
 - (a) undertake a review on the circumstances in which firearms have been drawn by Victoria Police in dealing with Indigenous people in the past twelve months; and
 - (b) report on the use of Oleoresin Capsicum Spray by Victoria Police when dealing with Indigenous people in the past twelve months;
 - (c) undertake a review of training in relation to techniques of restraint (Recommendation 163);
 - (d) subject to the findings above, amend the Victoria Police Manual and the Operational Procedures Manual;
 - (e) provide a report the Aboriginal Justice Forum on (a)-(d); and
- That the Victorian Government continue to implement and monitor Recommendation 162 (relating to the laws regarding the discharge of firearms) and Recommendation 163 (relating techniques of restraint) through any monitoring process established as a consequence of this Review.

Recommendation 51.

- That Victoria Police:
 - (a) urgently check the accuracy of its response to, and compliance with, Recommendation 165 in relation to the elimination of equipment and facilities which might cause harm or self-harm;
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 165 (relating to the elimination of equipment) through any monitoring process established as a consequence of this Review.

Recommendation 52.

- That Department of Justice:
 - (a) draw the attention of the Minister of Police to Recommendation 332 relating to the development of standard Australia-wide guidelines for police custodial facilities
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 332 (relating to the development of standard Australia-wide guidelines for police custodial facilities) through any monitoring process established as a consequence of this Review.

Recommendation 53.

- That in the context of the Australian Police Ministers Council, Recommendation 333 (relating to the International Convention on Civil and Political Rights) be considered relevant to Victoria; and
- That the Victorian Government report on the implementation of Recommendation 333 (relating to the International Convention on Civil and Political Rights) through any monitoring process established as a consequence of this Review.

Recommendation 54.

- That the Victorian Government:
 - (a) proceed, as a matter of urgency, to abolish the offence of public drunkenness (Recommendations 79-80);
 - (b) establish appropriately resourced Aboriginal run Sobering-Up Centres, which operate twenty-four hours, seven days a week; and
- That the Victorian Government implement and monitor Recommendations 79 and 80 (relating to the decriminalisation and abolition of the offence of public drunkenness) through any monitoring process established as a consequence of this Review.

Recommendation 55.

- That Victoria Police consider and utilise alternatives to custody as matter of statutory responsibility when dealing with intoxicated people in police cells (Recommendation 81); and
- That the Victorian Government continue to implement and monitor Recommendation 81 (relating to statutory duty of police) through any monitoring process established as a consequence of this Review.

Recommendation 56.

- That Victoria Police and the Department of Justice (Liquor Licensing Victoria):
 - (a) report on the impact on Indigenous people in enforcing local restrictions on alcohol (Recommendation 82 relating to the monitoring of dry area declarations);
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government report on implementation and monitor Recommendation 82 (relating to the monitoring of dry area declarations) through any monitoring process established as a consequence of this Review.

Recommendation 57.

- That Victoria Police:
 - (a) report on the reasons for the lack of progress on Recommendation 84 relating to negotiations between police, local government bodies and Aboriginal organisations, including the Victorian Aboriginal Legal Service on public drinking;
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 84 (relating to negotiations between police, local government bodies and Aboriginal organisations, including the Victorian Aboriginal Legal Service on public drinking) through any monitoring process established as a consequence of this Review.

Recommendation 58.

- That Victoria Police:
 - (a) provide quantitative evidence on how offensive language is dealt with in relation to charges laid;
 - (b) detail the numbers of Indigenous people that are charged with offensive language as a result of being detained for public drunkenness;
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b); and
- That the Victorian Government continue to implement and monitor Recommendation 86 (relating to offensive language) through any monitoring process established as a consequence of this Review.

Recommendation 59.

- That Victoria Police:
 - (a) monitor the operation of and compliance with its disciplinary policies and procedures in respect of racist behaviours by members;
 - (b) cross-cultural awareness training be expanded at both the Academy and local levels, with appropriate input and participation from the Aboriginal community;
 - (c) introduce a cultural awareness competence certification process for all officers serving in areas of significant Aboriginal population;
 - (d) provide a report to the Aboriginal Justice Forum on (a)-(c); and
- That the Victorian Government continue to implement and monitor Recommendation 60 (relating to the elimination of violent or rough treatment, verbal abuse and racist or offensive language by police officers) and Recommendation 134 (relating to humane and courteous interaction with detainees) through any monitoring process established as a consequence of this Review.

Recommendation 60.

That Victoria Police pursue the need for an over-arching national study and information dissemination strategy within the appropriate national forum on ways of improving relations between police and Indigenous people (Recommendation 222).

Recommendation 61.

- That Victoria Police:
 - (a) in partnership with the Victorian Aboriginal Legal Service, report on progress of an evidence-based report on the reasons for the delay in notification to Victorian Aboriginal Legal Service when an Indigenous person is taken into custody (Recommendations 223 and 224);
 - (b) develop locally based protocols on a regional basis, in partnership with the Indigenous community and the Victorian Aboriginal Legal Service, through Local Priority Policing, with these protocols to be facilitated by the Aboriginal Justice Forum and the Regional Aboriginal Justice Advisory Committee network;
 - (c) report on the status of the plan to develop a 'Ready Reckoner' to assist police members in understanding their required commitments to Aboriginal people arrested or in custody;
 - (d) provide a report to the Aboriginal Justice Forum on (a)-(c); and
- That the Victorian Government continue to implement and monitor Recommendation 223 (relating to the protocol between Police, Aboriginal Legal Services and Aboriginal organisations) and Recommendation 224 (relating to the notification of the Aboriginal Legal Service upon the arrest or detention of any Aboriginal person) through any monitoring process established as a consequence of this Review.

Recommendation 62.

- That Victoria Police:
 - (a) detail the succession management plan for the Aboriginal Advisory Unit;
 - (b) make a commitment to the employment of Indigenous persons, both sworn and unsworn, throughout Victoria Police;
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b); and
- That the Victorian Government continue to implement and monitor Recommendation 225 (relating to the unit within Police to develop policies and programs for Aboriginal people) through any monitoring process established as a consequence of this Review.

Recommendation 63.

- That Victoria Police:
 - (a) consolidate an across-the-board review of initiatives and investigations currently taking place with regard to the improvement of liaison between police and Aboriginal communities;
 - (b) identify strategies for the general improvement of police/Aboriginal relations at the local level;
 - (c) and provide a report to the Aboriginal Justice Forum (a)-(b); and
- That the Victorian Government continue to implement and monitor Recommendation 231 (relating to initiatives for improving relations between police and Indigenous people) through any monitoring process established as a consequence of this Review.

Recommendation 64.

- That Victoria Police (Ethical Standards Department);
 - (a) be required to ask each complainant if they are Aboriginal and/or Torres Strait Islander. Where there is an affirmative response, the Ethical Standards Department must then formally notify the Director, Indigenous Issues Unit, Department of Justice;
 - (b) provide quarterly reports to the Aboriginal Justice Forum detailing the type, status and outcome of any complaint received from Indigenous persons;
 - (c) employ a full-time Koori Liaison Officer to assist Indigenous complainants in lodging complaints; and
- That the Victorian Government continue to implement and monitor Recommendation 226 (relating to legislative processes for dealing with complaints against police) through any monitoring body established as a consequence of this Review.

Recommendation 65.

- That Victoria Police:
 - (a) detail the proactive steps currently undertaken to recruit and retain Indigenous people into Victoria Police;
 - (b) in conjunction with appropriate educational bodies, provide suitable bridging programs to facilitate that objective;
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b); and
- That the Victorian Government continue to implement and monitor Recommendation 229 (relating to the recruitment of Aboriginal people, especially women, into the police service) and Recommendation 230 (relating to the availability of bridging courses for potential police recruits) through any monitoring process established as a consequence of this Review.

Recommendation 66.

- That Victoria Police:
 - (a) advise whether current training (Recommendation 133 relating to the identification of distressed and at risk suspects) covers general information on the health status, dangers and associated actions to be taken in connection with intoxicated, unconscious or semi-rousable persons;
 - (b) whether in designing training programs, the advice and assistance of Victorian Aboriginal Health Service and the Victorian Aboriginal Legal Service are sought when dealing with Indigenous persons;
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b); and
- That the Victorian Government continue to implement and monitor Recommendation 133 (relating to the identification of distressed and at risk suspects) through any monitoring process established as a consequence of this Review.

Recommendation 67.

That the Victorian Government continue to implement and monitor Recommendation 41 (relating to the ongoing national monitoring of Aboriginal and non-Aboriginal deaths in custody) through any monitoring process established as a consequence of this Review.

Recommendation 68.

- That Victoria Police:
 - (a) maintain data on the monthly number of Indigenous prisoners held in police cells, their location, sex, age and reasons for custody;
 - (b) provide the Director, Indigenous Issues Unit, Department of Justice with monthly data on the number of prisoners held in police cells, their location, sex, age and reasons for custody;
 - (c) provide a current report to every Aboriginal Justice Forum on (a)-(b); and

That the Victorian Government continue to monitor and implement Recommendation 42 (relating to information on people passing through police cells) through any monitoring process established as a consequence of this Review.

Recommendation 69.

- That Victoria Police develop a proactive position on the establishment of a common national data capture for Indigenous people in contact with police and pursue this through the Australian Police Ministers Council; and
- That the Victorian Government continue to implement and monitor Recommendation 45 (relating to a common national approach to data collection) through any monitoring process established as a consequence of this Review.

Recommendation 70.

- That Victoria Police:
 - (a) report on compliance with Recommendations 47, 125-126 and 138;
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 47 (relating to reporting to Parliament), Recommendation 125 (relating to police custody screening forms), Recommendation 126 (relating to screening forms and risk assessment of persons being taken into custody) and Recommendation 138 (relating to the recording of observation of and information about police detainees) through any monitoring process established as a consequence of this Review.

Recommendation 71.

- That Victoria Police provide a report to the Aboriginal Justice Forum in relation to the implementation of Recommendation 32, with particular reference to how the current arrangements fit in with the requirements of this Recommendation; and
- That the Victorian Government continue to implement and monitor Recommendation 32 (relating to the selection of the officer in charge of the police investigation by personnel of Chief Commissioner, Deputy Commissioner or Assistant Commissioner rank) through any monitoring process established as a consequence of this Review.

Recommendation 72.

That the Victorian Government continue to implement and monitor Recommendation 33 (relating to police officers involved in an investigation) and Recommendation 34 (relating to qualification of police officers as investigators), through any monitoring process established as a consequence of this Review.

Recommendation 73.

- That Victoria Police provide a report to the Aboriginal Justice Forum on the review of its Prison Squads Charter of Operations and Standard Operating Procedures (Recommendation 35); and
- That the Victorian Government continue to implement and monitor Recommendation 35 (relating to the conduct of investigations) through any monitoring process established as a consequence of this Review.

Recommendation 74.

That the Victorian Government continue to implement and monitor Recommendation 36 (relating to the structure of investigations to provide evidentiary information) through any monitoring process established as a consequence of this Review.

Recommendation 75.

- That Recommendation 4 relating to claims for compensation, while not relevant to the State Coroner, is relevant to Victorian civil law processes;
- That the State Coroner and Department of Justice (Court Services) provide a report to the Aboriginal Justice Forum on whether any claims have been made and the Victorian Government's policy on this issue;
- That the Victorian Government continue to implement and monitor Recommendation 4 (relating to claims for compensation) through any monitoring process established as a consequence of this Review.

Recommendation 76.

- That the Department of Human Services (Mental Health Branch):
 - (a) maintain a record of the number of cases where counselling support is sought through the Victorian Aboriginal Health Service in connection with Indigenous deaths in custody;
 - (b) report annually to the Aboriginal Justice Forum on the number of cases where counselling is sought in connection with Indigenous deaths in custody; and
- That the Victorian Government continue to implement and monitor Recommendation 5 (relating to the provision of funds or services for counselling for relatives, kin and friends of those who died in custody) through any monitoring process established as a consequence of this Review.

Recommendation 77.

- That the State Coroner:
 - (a) clarify how Indigenous status of deceased persons is determined;
 - (b) confirm how Indigenous status is recorded as a mandatory field on the database;
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b); and
- That the Victorian Government continue to implement and monitor Recommendation 6 (relating to post-death investigations) through any monitoring process established as a consequence of this Review.

Recommendation 78.

That the Victorian Government continue to implement and monitor Recommendation 7 (relating to the responsibility of the State Coroner) through any monitoring process established as a consequence of this Review.

Recommendation 79.

- That the State Coroner:
 - (a) elaborate on the response to Recommendation 8 and, in particular, why variation in the circumstances of death renders such a protocol inappropriate;
 - (b) detail any specific procedures and practices that have been developed for the investigation of deaths in custody;
 - (c) detail whether the procedures and practices developed are communicated to the families of deceased persons;
 - (d) provide a report to the Aboriginal Justice Forum on (a)-(c); and
- That the Victorian Government continue to implement and monitor Recommendation 8 (relating to the conduct of coronial inquiries and inquests) through any monitoring process established as a consequence of this Review.

Recommendation 80.

That the Victorian Government continue to implement and monitor Recommendation 9 (relating to the status of Coroners) through any monitoring process established as a consequence of this Review.

Recommendation 81.

- That the State Coroner:
 - (a) elaborate upon the implementation of Recommendation 10 and specify whether, when a patient is taken ill in custody and subsequently dies in hospital, or if a prisoner is on weekend leave, such cases are classified as a reportable death in custody;
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 10 (relating to the immediate notification of the Coroner of a death in custody) through any monitoring process established as a consequence of this Review.

Recommendation 82.

That the Victorian Government continue to implement and monitor Recommendation 11 (relating to the conduct of inquests on deaths in custody) through any monitoring process established as a consequence of this Review.

Recommendation 83.

- That the State Coroner:
 - (a) elaborate on the circumstances in which coronial investigations, relating to quality of prior care treatment and supervision in custody, would not take place;
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 12 (relating to the investigation of cause and circumstances of a death in custody, quality of care, treatment and supervision of the deceased prior to death) through any monitoring process established as a consequence of this Review.

Recommendation 84.

- That the State Coroner, the Departments of Justice (Corrections Victoria) and Human Services (Juvenile Justice) provide a report to the Aboriginal Justice Forum on situations where findings or recommendations have been made, and on their implementation (Recommendation 13); and
- That the Victorian Government continue to implement and monitor Recommendation 13 (relating to the nature and findings and recommendations) through any monitoring process established as a consequence of this Review.

Recommendation 85.

- That the State Coroner provide a report to the Aboriginal Justice Forum specifying whether families are recipients of coronial findings and recommendations;
- That the Victorian Government consider amending the Coroners Act 1985 (sec. 19(2) and linked to sec. 21(1) and (2)) to enable wider distribution powers of the Coroner's findings and recommendations;
- That the Victorian Government continue to implement and monitor Recommendation 14 (relating to the distribution of findings and recommendations of the Coroner) through any monitoring process established as a consequence of this Review.

Recommendation 86.

- That the State Coroner, Victoria Police, and the Departments of Justice (Corrections Victoria) and Human Services (Juvenile Justice) provide a report to the Aboriginal Justice Forum on why the implementation of Recommendation 15, relating to reporting to the relevant Minister on its departmental response to the Coroner's findings and recommendations, is not considered necessary; and
- That the Victorian Government:
 - (a) clarify the grounds on which it considers the implementation of Recommendation 16 (relating to requests for further information from the Coroner) to be unnecessary in Victoria;
 - (b) introduce appropriate legislation to empower the State Coroner to seek further information about action taken in relation to Recommendations 15 and 16 and to ensure that the findings and recommendations of the State Coroner are implemented; and
- That the Victorian Government continue to implement and monitor Recommendation 15 (relating to the responses to the Coroner's findings and recommendations) and Recommendation 16 (relating to requests for further information from the Coroner) through any monitoring process established as a consequence of this Review.

Recommendation 87.

- That the State Coroner:
 - (a) report annually to the Victorian Attorney-General and the Minister for Police and Emergency Services and the Minister for Corrections (Recommendation 17), detailing the number of Indigenous deaths in custody, findings and recommendations of the Coroner, the responses to the findings and recommendations;
 - (b) table the report as discussed in (a) in Parliament;
- That the Victorian Government provide appropriate resources to the State Coroner to facilitate the provision of annual reports as detailed above; and
- That the Victorian Government continue to implement and monitor Recommendation 17 (relating to reporting to the Attorney-General) through any monitoring process established as a consequence of this Review.

Recommendation 88.

- That the State Coroner be empowered (as proposed in Royal Commission Recommendations 16-18) to make recommendations with a view to prevention of deaths in custody as part of a regular reporting process; and
- That the Victorian Government continue to implement and monitor Recommendation 18 (relating the power of the Coroner to make additional recommendations) through any monitoring process established as a consequence of this Review.

Recommendation 89.

- That the State Coroner, Victoria Police, and the Departments of Justice (Corrections Victoria) and Human Services (Juvenile Justice) provide a report to the Aboriginal Justice Forum elaborating upon their processes for notification of families in the event of an Indigenous death in custody (Recommendation 19); and
- That the Victorian Government continue to implement and monitor Recommendation 19 (relating to the notification of a death in custody to the family, or other nominated person) through any monitoring process established as a consequence of this Review.

Recommendation 90.

- That the State Coroner:
 - (a) provide advice on the process of notification to the Victorian Aboriginal Legal Service following an Indigenous death in custody since the Royal Commission (Recommendation 20);
 - (b) in addition to the provision of notification of an Indigenous death in custody to the Victorian Aboriginal Legal Service, the death must also be immediately reported to the Director, Indigenous Issues Unit, Department of Justice;
 - (c) detail the processes involved in contacting families (Recommendations 21 and 22);
 - (d) provide a report to the Aboriginal Justice Forum on (a)-(c); and
- That the Victorian Government continue to implement and monitor Recommendation 20 (relating to the notification to the Victorian Aboriginal Legal Service), Recommendation 21 (relating to the notification of a coronial inquest) and Recommendation 22 (relating to family representation at inquests) through any monitoring process established as a consequence of this Review.

Recommendation 91.

- That the State Coroner and the Victorian Aboriginal Legal Service provide a report to the Aboriginal Justice Forum on any problems involved in the provision of legal representation and assistance for relatives in the context of inquests into Indigenous deaths in custody (Recommendation 23); and
- That the Victorian Government continue to implement and monitor Recommendation 23 (relating to legal representation at an inquest) through any monitoring process established as a consequence of this Review.

Recommendation 92.

- That the Departments of Justice (Corrections Victoria) and Human Services (Juvenile Justice) and Victoria Police provide access to the scene of a death to family members (or their representatives) if requested (Recommendation 24); and
- That the Victorian Government continue to implement and monitor Recommendation 24 (relating to the provision of advice and information to families and others) through any monitoring process established as a consequence of this Review.

Recommendation 93.

- That the State Coroner employ an Indigenous counsellor to assist family members during an inquest and advise them on their rights (Recommendation 25); and
- That the Victorian Government continue to implement and monitor Recommendation 25 (relating to the rights of families and others) through any monitoring process established as a consequence of this Review.

Recommendation 94.

- That the Victorian Government provide adequate resources to the State Coroner to appoint counsel to assist the coroners investigation of an Indigenous death in custody; and
- That the Victorian Government continue to implement and monitor Recommendation 26 (relating to the appointment of a lawyer), Recommendation 27 (relating to independent assistance, and Recommendation 28 relating to the duties of the lawyer assisting Counsel) through any monitoring process established as a consequence of this Review.

Recommendation 95.

- That the Victorian Government continue to implement and monitor Recommendation 29 (relating to the Coroner's power to give direction to police), Recommendation 30 (relating to the responsibility of the lawyer assisting the Coroner), Recommendation 31 (relating to the responsibility of the lawyer assisting the Coroner), Recommendation 32 (relating to the selection of the officer in charge of the police investigation), Recommendation 33 (relating to police officers involved in the investigation) through any monitoring process established as a consequence of this Review.

Recommendation 96.

- That the State Coroner:
 - (a) elaborate on the response to Recommendation 34 (i.e. should the Coroner's response be interpreted as meaning that investigating police are not, in all cases, trained investigators);
 - (b) provide clarification on instances where this has occurred;
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b); and
- That the Victorian Government continue to implement Recommendation 34 (relating to the qualifications of police officers as investigators) through any monitoring process established as a consequence of this Review.

Recommendation 97.

- That the State Coroner:
 - (a) elaborate on the response to Recommendation 36 (i.e. should the response be interpreted as meaning that there are exceptions to the rule of providing satisfactory evidentiary information);
 - (b) provide clarification on instances where this has occurred;
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b); and
- That the Victorian Government continue to implement and monitor Recommendation 36 (relating to the structure of investigations to provide evidentiary basis) through any monitoring process established as a consequence of this Review.

Recommendation 98.

That the Victorian Government continue to implement and monitor Recommendation 37 (relating to the conduct of post-mortem examinations) through any monitoring process established as a consequence of this Review.

Recommendation 99.

- That the State Coroner:
 - (a) commence immediate discussions with the Victorian Aboriginal Legal Service and the Victorian Aboriginal Community Controlled Health Organisation on the development and implementation of cultural protocols which should include, but are not limited to, issues relating to the conduct of inquiries and autopsies, the removal and burial of organs and the removal and return of the deceased body (Recommendation 38);
 - (b) elaborate on the response to Recommendation 39 relating to the extension of the terms of the protocol referred to in (a) to include all cases of Indigenous deaths; and
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b); and
- That the Victorian Government continue to implement and monitor Recommendations 38 and 39 (relating to the development of culturally appropriate protocol) through any monitoring process established as a consequence of this Review.

Recommendation 100.

That the Victorian Government continue to implement and monitor Recommendation 40 (relating to a national database) through any monitoring process established as a consequence of this Review.

Recommendation 101.

That the Victorian Government continue to implement and monitor Recommendation 91 (relating to the amendment of bail legislation) through any monitoring process established as a consequence of this Review.

Recommendation 102.

- That the Victorian Government examine any changes in sentencing practice emanating from legislative change for the impact on Indigenous defendants; and
- That the Victorian Government continue to implement and monitor Recommendation 92 (relating to imprisonment as a last resort) through any monitoring process established as a consequence of this Review.

Recommendation 103.

- That the Department of Justice (Criminal Law Policy) provide a report to the Aboriginal Justice Forum in relation to the progress toward the enactment of uniform national legislation on spent convictions; and
- That the Victorian Government continue to implement and monitor Recommendation 93 (relating to the expungement of criminal records) through any monitoring process established as a consequence of this Review.

Recommendation 104.

That the Victorian Government continue to implement and monitor Recommendation 102 (relating to proceedings by summons or attendance notices for breaches of non-custodial orders) and Recommendation 103 (relating to remuneration for work carried out under Community Service Orders) through any monitoring process established as a consequence of this Review.

Recommendation 105.

- That Recommendation 104 relating to sentencing options in Indigenous communities be referred to the Sentencing Advisory Council and the Victorian Aboriginal legal Service for their advice and that the Sentencing Advisory Council provide a report to the Aboriginal Justice Forum; and
- That the Victorian Government continue to implement and monitor Recommendation 104 (relating to consultation about sentencing) through any monitoring process established as a consequence of this Review.

Recommendation 106.

- That the Aboriginal Justice Forum monitor closely the impact of proposed changes to the Victorian Aboriginal Legal Service (Recommendation 105) including, issues of conflict of interest in such services, the adequacy of provision in regional areas, and the extent of adequate access to lawyers in rural communities, particularly in light of the Commonwealth's decision to tender out Indigenous legal services; and
- That the Victorian Government monitor Recommendation 105 (relating to funding of Aboriginal Legal Services) through any monitoring process established as a consequence of this Review.

Recommendation 107.

- That Recommendation 106 (relating to representation and conflict of interest by Aboriginal Legal Services), Recommendation 107 (relating to autonomous regional Aboriginal Legal Services) and Recommendation 108 (relating to access to lawyers) are relevant to Victoria; and
- That the Victorian Government monitor Recommendations 106, 107 and 108 through any monitoring process established as a consequence of this Review.

Recommendation 108.

- That the Sentencing Advisory Council, under reference from the Attorney-General:
 - (a) undertake a review of equity in the sentencing of Indigenous Victorians,
 - (b) closely monitor the impact of the different sentencing options on the patterns of sentences received by Indigenous offenders, in partnership with the Victorian Aboriginal Legal Service;
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b); and
- That the Victorian Government continue to implement and monitor Recommendation 109 (relating to the range of non-custodial sentencing options) through any monitoring body established as a consequence of this Review.

Recommendation 109.

- That the Department of Justice (Criminal Law Policy) provide a report to the Aboriginal Justice Forum detailing the outcome of consultations with the Indigenous community relating to the implementation of the recommendations from the Pathways to Justice Sentencing Review 2002; and
- That the Victorian Government continue to implement and monitor Recommendation 111 (relating to consultation on options for non-custodial sentences) through any monitoring process established as a consequence of this Review.

Recommendation 110.

That the Victorian Government continue to implement and monitor Recommendation 117 (relating to the determination of imprisonment for Community Service Order breaches or fine default by a Judge or Magistrate) through any monitoring process established as a consequence of this Review.

Recommendation 111.

- That the Department of Justice (Corrections Victoria):
 - (a) report on the progress of the proposed Indigenous Adult Residential Program;
 - (b) provide a report to the Aboriginal Justice Forum on (a).
- That the Department of Justice (Criminal Law Policy):
 - (a) monitor the operation of the Correction and Sentencing (Home Detention) Bill 2001 with particular emphasis on breach rates of Indigenous offenders and the impact on Indigenous families;
 - (b) report on the breach rates of Indigenous offenders on Home Detention;
 - (c) provide a report to the Aboriginal Justice Forum on (c)-(d); and
- That the Victorian Government continue to implement and monitor Recommendation 118 (relating to home detention) through any monitoring process established as a consequence of this Review.

Recommendation 112.

- That the Victorian Government, in the event of any future amnesty for outstanding warrants being declared, make a careful assessment of the extent to which adequate information and assistance for Indigenous people in availing themselves of the amnesty before the amnesty process is commenced (Recommendation 120); and
- That the Victorian Government continue to implement and monitor Recommendation 120 (relating to amnesty for outstanding warrants) through any monitoring process established as a consequence of this Review.

Recommendation 113.

That the Victorian Government continue to monitor and implement Recommendation 121 (relating to alternatives to imprisonment for fine defaults) through any monitoring process established as a consequence of this Review.

Recommendation 114.

That the Attorney-General consider the recommendations contained in the evaluation report of the Koori Court. In the event that this evaluation is positive, urgent attention be given to the expansion of the initiative, in consultation with the respective Indigenous community, to other areas of significant Indigenous population.

Recommendation 115.

- That the Department of Justice (Corrections Victoria):
 - (a) report on how incidents involving criminal offences within prisons are dealt with (Recommendation 98);
 - (b) report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 98 (relating to use of the Justice of Peace not to determine charges) through any monitoring process established as a consequence of this Review.

Recommendation 116.

- That the Department of Justice (Court Services):
 - (a) develop appropriate initiatives to assist Indigenous participants to fully understand court processes;
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 99 (relating to the use of interpreters) through any monitoring process established as a consequence of this Review.

Recommendation 117.

- That the Judicial College of Victoria provide a report to the Aboriginal Justice Forum on the extent and content of the training it provides specifically on Aboriginal issues for Judges and Magistrates; and
- That the Victorian Government continue to implement and monitor Recommendation 96 (relating to cultural awareness training for court staff) through any monitoring process established as a consequence of this Review.

Recommendation 118.

- That the Department of Justice (Indigenous Issues Unit), in conjunction with Court Services, undertake a review of the Aboriginal Bail Justice Program, particularly considering the number of attendances at hearings and the formula used for rostering and provide a report to the Aboriginal Justice Forum;
- That the Department of Justice (Court Services):
 - (a) detail what pro-active steps are being taken under the Victorian Government's Wur-cum barra Strategy Framework to encourage Aboriginal participation in other parts of the judicial system;
 - (b) allocate a number of Trainee Court Registrar positions to the Indigenous and Culturally and Linguistically Diverse communities;
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b); and
- That the Victorian Government continue to implement and monitor Recommendation 100 (relating to the recruitment of Aboriginal Judicial Officers) through any monitoring process established as a consequence this Review.

Recommendation 119.

- That the Department of Justice (Criminal Law Policy):
 - (a) clarify whether the Australian Law Reform Commission's Report on the recognition of Aboriginal Customary Law was considered by Victoria and, if so, with what outcome;
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 219 (relating to the Australian Law Reform Commission's Report on the recognition of Aboriginal Customary Law) through any monitoring process established as a consequence of this Review.

Recommendation 120.

- That the Department of Justice (Corrections Victoria) provide a report to the Aboriginal Justice Forum in relation to the evaluation of the Cultural Appreciation Program and Environmental Scheme (CAPES) (Recommendation 94); and
- That the Victorian Government continue to implement Recommendation 94 (relating to community service) orders through any monitoring process established as a consequence of this Review.

Recommendation 121.

- That Department of Justice (Corrections Victoria):
 - (a) conduct a review of the information provided to sentencing authorities on the scope and effectiveness of non-custodial sentences;
 - (b) provide a report to the Aboriginal Justice Forum on the outcome of (a); and
- That the Victorian Government continue to implement and monitor Recommendation 101 (relating to the scope and effectiveness of non-custodial orders) through any monitoring process established as a consequence of this Review.

Recommendation 122.

- That the Department of Justice (Corrections Victoria) provide a report to the Aboriginal Justice Forum regarding budget provision for personnel and infrastructure to support non-custodial sentences for Indigenous offenders; and
- That the Victorian Government continue to implement and monitor Recommendation 112 (relating to the adequate resourcing to ensure that non-custodial sentencing options are capable of implementation) through any monitoring process established as a consequence of this Review.

Recommendation 123.

- That the Department of Justice (Corrections Victoria):
 - (a) provide information on what steps are being taken to rectify the administrative difficulties being encountered in the implementation of Recommendation 113;
 - (b) undertake a review on the resources required for Aboriginal service providers to host Indigenous offenders on Community Based Orders;
 - (c) appropriately resource the community to successfully host Indigenous offenders on Community Based Orders;
 - (d) provide a report to the Aboriginal Justice Forum on (a)-(b);
- That the Victorian Government allocate sufficient funds of no less than \$1.0 million per annum to the Victorian Aboriginal Justice Agreement for the establishment and recurrent operation of a statewide community-based Mentoring program for Indigenous offenders; and
- That the Victorian Government continue to implement and monitor Recommendation 113 (relating to participation by the Aboriginal community in the planning and implementation of non-custodial sentencing orders) through any monitoring process established as a consequence of this Review.

Recommendation 124.

- That the Department of Justice (Corrections Victoria):
 - (a) maintain a database of recidivism rates of Indigenous offenders;
 - (b) provide a statistical report of relevant monthly Indigenous prisoner and offender numbers (including re-offending information);
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b); and
- That the Victorian Government continue to implement and monitor Recommendation 115 (relating to the improvement of statistical data on rates of recidivism for Indigenous offenders) through any monitoring process established as a consequence of this Review.

Recommendation 125.

That the Victorian Government continue to implement and monitor Recommendation 116 (relating to work undertaken under Community Service Orders) through any monitoring process established as a consequence of this Review.

Recommendation 126.

- That the Department of Justice (Corrections Victoria):
 - (a) finalise the development and implementation of the Indigenous Education, Training and Employment strategy as a priority;
 - (b) commit and initiate action to recruit and train Indigenous people to positions throughout all Correctional facilities, not just in identified positions;
 - (c) undertake immediate action to identify potential Indigenous workers throughout all areas of the new prisons being established; and
 - (d) provide a report to the Aboriginal Justice Forum on (a)-(c); and
- That the Victorian Government continue to implement and monitor Recommendation 119 (relating to the adequate provision of trained support staff for probation and parole) through any monitoring process established as a consequence of this Review.

Recommendation 127.

- That the Department of Justice (Corrections Victoria):
 - (a) report on the extent to which Aboriginal organisations and other bodies are adequately resourced to meet the consultative demands being placed upon them;
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 187 (relating to the involvement of communities and Aboriginal organisations in correctional processes) through any monitoring process established as a consequence of this Review.

Recommendation 128.

That the Victorian Government continue to implement and monitor Recommendation 122 (relating to duty-of-care for persons in custody), Recommendation 123 (relating to clear policies and processes for dealing with breaches of duty-of-care instructions across the correctional system), and Recommendation 124 (relating to arrangements in place across the correctional system for debriefing after critical incidents) through any monitoring process established as a consequence of this Review.

Recommendation 129.

- That the Department of Justice (Corrections Victoria) provide the Aboriginal Justice Forum with details of progress on the deployment of the risk assessment screening system on prisoner safety; and
- That the Victorian Government continue to implement and monitor Recommendation 126 (relating to a risk assessment and completion of a screening form within the correctional system) through any monitoring process established as a consequence of this Review.

Recommendation 130.

- That the Aboriginal Justice Forum monitor the operation of the E*Justice System for improved data on Indigenous people in contact with the criminal justice system; and
- That the Victorian government continue to implement and monitor Recommendation 130 (relating to the transfer of information) through any monitoring process established as a consequence of this Review.

Recommendation 131.

- That the Department of Justice (Corrections Victoria) provide a report to the Aboriginal Justice Forum in relation to the status of implementation of the recommendations from the review into the use of force in the correctional system; and
- That the Victorian Government continue to implement and monitor Recommendation 162 (relating to the discharge of firearms to effect arrest or prevent escape) through any monitoring process established as a consequence of this Review.

Recommendation 132.

That the Victorian Government continue to implement and monitor Recommendation 163 (relating to the regular training in restraint techniques), Recommendation 164 (relating to the laying of charges arising from incidents of self-harm), Recommendation 165 (relating to the elimination and/or reduction of the potential for harm), and Recommendation 166 (relating to the transfer of information) through any monitoring process established as a consequence of this Review.

Recommendation 133.

- That the Department of Justice (Corrections Victoria):
 - (a) report on the appointment of Aboriginal Official Visitors and a summary of the reports prepared for Corrections Victoria by those already appointed;
 - (b) provide regular debriefing for Aboriginal Official Visitors;
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b);
- That the Department of Justice (Corrections Inspectorate) pro-actively promote, recruit, maintain a full list of Aboriginal Official Visitors; and
- That the Victorian Government continue to implement and monitor Recommendation 176 (relating to the appointment of a complaints officer) through any monitoring process established as a consequence of this Review.

Recommendation 134.

- That the Department of Justice (Corrections Inspectorate):
 - (a) compile and maintain systematic data on complaints received from Aboriginal prisoners within the correctional system;
 - (b) compile and maintain data on Aboriginal prisoners placed in segregation (and the ratio of that number to non-Aboriginal prisoners placed in such circumstances);
 - (c) compile details of reports of allegations of misconduct and disciplinary procedures taken against officers in connection with their dealings with Aboriginal prisoners;
 - (d) employ a full-time Indigenous Complaints Officer;
 - (e) provide regular data and a report to the Aboriginal Justice Forum on (a)-(d); and
- That the Victorian Government continue to implement and monitor Recommendation 179 (relating to the processing prisoner requests and complaints), Recommendation 181 (relating to minimum standards for prisoners placed in segregation or isolation), and Recommendation 182 (relating to the humane and courteous treatment of prisoners) through any monitoring process established as a consequence of this Review.

Recommendation 135.

- That the Department of Justice (Corrections Victoria):
 - (a) conduct a systematic review of its Indigenous-specific provisions for meetings and other events, for example NAIDOC activities, across the correctional system;
 - (b) provide a report on the status of the Aboriginal Cultural Immersion Program;
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b); and
- That the Victorian Government continue to implement and monitor Recommendation 183 (relating to Aboriginal support groups and other events within institutions) through any monitoring process established as a consequence of this Review.

Recommendation 136.

That the Victorian Government continue to implement and monitor Recommendations 328 (relating to a review of the national standards guidelines) Recommendation 329 (relating to the consideration of introducing legislation embodying standard guidelines) and Recommendation 331 (relating to the formulation and adoption of guidelines specifically directed to the needs of Indigenous prisoners) through any monitoring process established as a consequence of this Review.

Recommendation 137.

That the Department of Justice (Indigenous Issues Unit) seek information from the Commonwealth Government in relation to Recommendation 333 on the International Convention on Civil and Political Rights, and provide a report to the Aboriginal Justice Forum.

Recommendation 138.

- That the Department of Justice (Corrections Victoria):
 - (a) further examine the Review of the Victorian Prisoners Health Service Delivery Model and the Victorian Prisoner Health Status Study (Recommendation 153) to ascertain the extent to which they adequately address the issue of health care for Indigenous prisoners within the correction system;
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 150 (relating to a review of the provision of health services to Indigenous prisoners) through any monitoring process established as a consequence of this Review.

Recommendation 139.

- That the Department of Justice (Indigenous Issues Unit) in partnership with Corrections Victoria, prioritise scholarships targeting Indigenous students undertaking studies in the areas of psychology, psychiatry and mental health counselling;
- That the Department of Justice (Corrections Victoria) liaises with the Department of Human Services and relevant medical authorities as to strategies which might be utilised to address the difficulties in prioritising scholarships targeting Indigenous students undertaking studies in the areas of psychology, psychiatry and mental health counselling; and
- That the Victorian Government continue to implement and monitor Recommendation 151 (relating to the provision of access to medical professionals with knowledge and experience of Indigenous people by prisoners) through any monitoring process established as a consequence of this Review.

Recommendation 140.

That the Victorian Government continue to implement and monitor Recommendation 152 (relating to a review of the provision of health services to Indigenous prisoners), Recommendation 153 (relating to ongoing review of prison medical services in all jurisdictions, and confidentiality between prison medical staff and prisoners), Recommendation 156 (relating to medical and risk assessments) and Recommendation 157 (relating to the transfer of medical records) through any monitoring process established as a consequence of this Review.

Recommendation 141.

That the Victorian Government continue to implement and monitor Recommendation 158 (relating to officers attempting resuscitation and seeking medical attention), Recommendation 159 (relating to the ready access to resuscitation equipment), Recommendation 160 (relating to the training of police and prison officers in resuscitative measures), Recommendation 161 (relating to the provisions for police and prison officers to seek medical attention where there is doubt about a prisoner's condition), Recommendation 168 (relating to the placement of Indigenous prisoners as close as possible to his/her residence or family) and Recommendation 169 (relating to the provision of financial assistance for family members to visit) through any monitoring process established as a consequence of this Review.

Recommendation 142.

- That the Department of Justice (Corrections Victoria):
 - (a) undertake a review of the Family Visits Program to ensure adequate program promotion and effectiveness;
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 170 (relating to the provision of adequate visiting facilities) through any monitoring process established as a consequence of this Review.

Recommendation 143.

- That the Department of Justice (Corrections Victoria):
 - (a) in recognition of the special kinship and family obligations of Indigenous prisoners and as part of an enhanced cultural awareness, make every effort to facilitate prisoner attendance at family events such as funerals;
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 171 (relating to requests by prisoners for permission to attend funeral services) through any monitoring process established as a consequence of this Review.

Recommendation 144.

- That the Department of Justice (Criminal Law Policy) provide a report to the Aboriginal Justice Forum in relation to the progress toward the enactment of uniform national legislation on spent convictions;
- That the Department of Justice (Corrections Victoria) give consideration to the problem constituted by criminal records in relation to prison visits; and
- That the Victorian Government continue to implement and monitor Recommendation 172 (relating to visits from representatives of Aboriginal organisations, including legal services) through any monitoring process established as a consequence of this Review.

Recommendation 145.

That the Victorian Government continue to implement and monitor Recommendation 173 (relating to shared accommodation facilities) and Recommendation 175 (relating to reception and orientation programs in place within Victoria's correctional facilities) through any monitoring process established as a consequence of this Review.

Recommendation 146.

- That the Department of Justice (Corrections Victoria):
 - (a) liaise with the relevant educational authorities about the increased recruitment and training of Indigenous people in all fields pertaining to the operation of the correctional system;
 - (b) in partnership with Indigenous Issues Unit, prioritise tertiary scholarships under the Koori Recruitment and Career Development Strategy for psychology, psychiatry and counselling;
- That the Victorian Government give consideration to the proposal by the Victorian Aboriginal Legal Service to the removal of discrimination on the grounds of 'irrelevant' or 'spent' criminal records; and
- That the Victorian Government continue to implement and monitor Recommendation 114 (relating to recruitment and training of Indigenous staff), Recommendation 174 (relating to the employment of Aboriginal Welfare Officers) and Recommendation 178 (relating to the employment of Indigenous staff not only as correctional officers but to all employment classifications) through any monitoring process established as a consequence of this Review.

Recommendation 147.

- That the Department of Justice (Corrections Victoria and Indigenous Issues Unit):
 - (a) conduct a systematic review of the extent and adequacy of the cultural awareness training provided for its staff at all levels;
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 154 (relating to cultural awareness training among medical and other staff within the correctional system), Recommendation 155 (relating to training of prison officers to identify persons in distress or at risk) and Recommendation 177 (relating to the implementation of appropriate screening procedures to eliminate racist behaviours) through any monitoring process established as a consequence of this Review.

Recommendation 148.

- That the Department of Justice (Corrections Victoria):
 - (a) place more emphasis on the delivery of post-release programs for Indigenous prisoners commencing with the development of a national directory of Indigenous prison programs and services; and
 - (b) monitor the current developments in the field of education, training and transitional programs within the correctional system to ensure that they deliver the desired outcomes for Indigenous prisoners; and
- That the Victorian Government continue to implement and monitor Recommendation 110 (relating to pre- and post-release support schemes), Recommendation 184 (relating to access to meaningful work and educational courses), Recommendation 185 (relating to a national strategy for those in custody) and Recommendation 186 (relating to remuneration to prisoners for work performed whilst in custody) through any monitoring process established as a consequence of this Review.

Recommendation 149.

- That the Department of Justice (Corrections Victoria) provide a report to the Aboriginal Justice Forum on progress of the implementation of the recommendations from the National Corrective Services Statistics Unit of the Australian Bureau of Statistics and the Australian Institute of Criminology; and
- That the Victorian Government continue to implement and monitor Recommendation 41 (relating to the ongoing national monitoring of Aboriginal and non-Aboriginal deaths in custody), Recommendation 45 and Recommendation 46 (relating to the national collection of Indigenous status data) and Recommendation 47 (relating to annual reporting to Parliament) through any monitoring process established as a consequence of this Review.

Recommendation 150.

That the Victorian Government continue to implement and monitor Recommendation 62 (relating to the over-representation of Indigenous youth in the juvenile justice system) through any monitoring process established as a consequence of this Review.

Recommendation 151.

- That the Department of Human Services (Child Protection and Juvenile Justice):
 - (a) conduct a formal audit of compliance with the *Operations Manual* and *Case Standards Manual* with particular reference to the Department's duty-of-care responsibilities;
 - (b) provide a report to the Aboriginal Justice forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 122 (relating to duty-of-care) and Recommendation 167 (relating to practices and procedures) through any monitoring process established as a consequence of this Review.

Recommendation 152.

- That the Department of Human Services (Child Protection and Juvenile Justice):
 - (a) provide data on all Indigenous and non-Indigenous Juvenile Justice clients (detainees and non-detainees), including those in the group conferencing program;
 - (b) undertake an investigation on the child protection background on its Indigenous Juvenile Justice clients;
 - (c) report on the implementation status of the Integrated Client and Case Management System to enable monitoring of its Indigenous clients;
 - (d) provide a report to the Aboriginal Justice Forum on (a)-(c); and
- That the Victorian Government continue to implement and monitor Recommendation 41 (relating to ongoing monitoring of Aboriginal and non-Aboriginal deaths in custody), Recommendation 47 (relating to reporting to Parliaments) Recommendation 126 (relating to screening and risk assessment of persons being taken in to custody) through any monitoring process established as a consequence of this Review. 167

Recommendation 153.

- That the Departments of Justice (Court Services) and Human Services (Juvenile Justice):
 - (a) consider the establishment of a Children's Koori Court as a matter of priority;
 - (b) undertake an evaluation of the Children's Koori Court;
 - (c) pending the results of the evaluation and in consultation with the Indigenous community, consider the roll-out of the Children's Koori Court;
 - (d) provide a report to the Aboriginal Justice forum on (a)-(c); and
- That the Victorian Government continue to implement and monitor Recommendation 241 (relating to Children's Aids Panels) through any monitoring process established as a consequence of this Review.

Recommendation 154.

That the Victorian Government appoint an independent Commissioner for Aboriginal Social Justice charged with reporting annually to both the Government and Indigenous people on the implementation of the criminal justice and more general Recommendations of the Royal Commission into Aboriginal Deaths in Custody.

Recommendation 155.

That performance indicators being developed around priority action areas as part of the evolving whole-of-government Indigenous framework be reviewed through consultation and negotiation with the partnership forums between the Victorian Government and the Indigenous community.

Recommendation 156.

That the extent to which the protocols for any research involving the Indigenous community advanced by Recommendation 51 are adhered to by other research and research funding bodies be reviewed by a monitoring process established as a consequence of this Review.

Recommendation 157.

That the Victorian Government and the Indigenous community jointly identify and assess good practice examples for their suitability within the Victorian context and their compatibility with the principles of the *Victorian Aboriginal Justice Agreement*.

Recommendation 158.

That the Victorian Government acknowledge that while much has been implemented and achieved in tackling Indigenous disadvantage, there still remains a significant way to go in the attainment of basic civil and human rights of the Indigenous community and in reducing the socio-economic gap between Indigenous Victorians and the broader community.

Recommendation 159.

That the Victorian Government, within a human rights and social justice framework, re-affirm its commitment to the Indigenous community by working in partnership with the Commonwealth Government and the Indigenous community to address underlying issues, protection of Indigenous languages and cultures, and that this should be done by enshrining, enforcing and effectively protecting (by appropriate enabling legislation and policies) the rights of Indigenous Victorians.

Recommendation 160.

That, in taking a strategic approach to tackling Indigenous disadvantage and over-representation, the Victorian Government, in partnership with the Indigenous community, should finalise the development of the whole-of-government Indigenous strategic framework as committed to in the *Victorian Aboriginal Justice Agreement* of 2000.

Recommendation 161.

That the Victorian Government, in partnership with the Indigenous community and led by the Department of Justice develop Phase 2 of the *Victorian Aboriginal Justice Agreement*, which should include a range of short, medium and long term actions to achieve its objectives.

Recommendation 162.

That the Victorian Government, in partnership with the Indigenous community, commit to implementing and promoting Indigenous cultural awareness programs across all levels of government and the broader community, and that these programs are regularly evaluated through key performance indicators.

Recommendation 163.

That the Victorian Government, in partnership with the Indigenous community, develop a set of standards for Indigenous participation modelled, as a minimum, on the principles and practices of the *Victorian Aboriginal Justice Agreement*, and that these minimum standards be enshrined in legislation and incorporated into specific Indigenous strategies across government to meet identified needs, as agreed to with the specific and relevant Indigenous parties.

Recommendation 164.

That the Victorian Government ensure the opportunity for emerging issues to be discussed by the Indigenous community within the various partnership forums and in the proposed representative body.

