

## 2 Background to the Implementation Review

### 2.1 Summary

- The Victorian Implementation Review commenced in November 2003 to examine the outcomes and progress in implementing the 339 Recommendations of the *Royal Commission into Aboriginal Deaths in Custody National Report* (1991b).
- The Royal Commission, while originally required to find out how and why so many Aboriginal people were dying in custody, also took into account the social, cultural and legal factors relating to these deaths.
- The Royal Commission found that in the 99 Aboriginal deaths investigated (three in Victoria), Aboriginality was a key factor in why the persons were in custody, and that there was significant over-representation of Aboriginal people in custody. Underlying issues, which bring Aboriginal people into contact with the criminal justice system, were found to include socio-economic disadvantage, housing, health, education and land issues.
- This section of this Report describes the background for conducting the Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody. It begins by describing the Royal Commission, what led to its establishment, and its findings. Its 339 Recommendations can be broadly grouped into (a) ways of reducing over-representation and contact of Indigenous people with the criminal justice system and (b) tackling the underlying factors.
- The section outlines what has happened since 1991 when the Final Report was tabled in terms of the implementation of the Recommendations and the associated developments, with specific focus on what has happened in Victoria. All Australian governments gave their commitment to develop a national response to the Recommendations in consultation with Indigenous communities. Annual reports from governments on implementation progress occurred regularly up to 1996-97.
- Subsequently, the Victorian Government, in partnership with the Victorian Indigenous community, signed the *Victorian Aboriginal Justice Agreement (VAJA)* in June 2000. As part of the *VAJA*, the Victorian Government made a strong commitment to the Commission's Recommendations and to rigorous monitoring of implementation. The current Implementation Review was led by two Indigenous Chairpersons and auspiced by the Victorian Aboriginal Justice Forum (AJF).
- An outline follows of the reasons for conducting the Implementation Review.

It has been 14 years since the release of the Final Report of the *Royal Commission into Aboriginal Deaths in Custody National Report* (1991). The Royal Commission, and what led up to it, has been regarded as a defining moment for the Indigenous people of Australia, and for Australia. Its 339 Recommendations were to have heralded major reforms and new approaches to reducing Indigenous over-representation in custody (and custodial deaths) and to addressing the underlying issues of profound social, cultural and economic disadvantage.

How many of these Recommendations have been implemented, and to what effect? This Implementation Review, occurring seven years after the last Victorian Implementation Report of the Royal Commission's Recommendations in 1996-97, sets out to find answers for these questions. For the first time, it does this in partnership with Victoria's Indigenous community.

## 2.2 The Royal Commission into Aboriginal Deaths in Custody

The Royal Commission was established in October 1987 by the Commonwealth Government in response to extensive petitioning by Indigenous advocacy groups and the families of those Indigenous persons who had died in custody; and to a growing public concern that Indigenous deaths were *too common and public explanations (were) too evasive to discount the possibility that foul play was a factor in many of them* (Royal Commission, 1991b, Vol. 1, 1.1.2)<sup>4</sup>.

The Commission was originally required to find out how, and especially why, so many Indigenous people were dying in custody. The Terms of Reference were subsequently amended to take into account the social, cultural and legal factors that had a bearing on the deaths. The Commission investigated the deaths in custody of 99 Aboriginal people, 33 in prison, 63 in police custody and three in juvenile detention institutions, in the decade between 1 January 1980 and 31 May 1989. In Victoria, the Commission investigated the deaths of three Indigenous persons who died in custody during the same period (these are described in Section 4 of this Review Report).

On 15 April 1991, the Royal Commission's *National Report* was presented to the Commonwealth, State and Territory governments. On 9 May 1991 it was tabled in the Commonwealth Parliament. The magnitude of its proceedings (in excess of 100,000 pages of transcript, over 20 research papers and 11 Volumes) presented governments and the community with a formidable task in digesting the Commission's work and responding to its Recommendations.

### What did the Royal Commission find?

The Commission found in the deaths investigated, that the Aboriginality of the persons played a central part in their being in custody. Two-thirds of the Aboriginal persons who died in custody had been removed from their families as children. A similar proportion had been charged with an offence before the age of 15 years. Most were not employed. The Commission found that there had been early and frequent contact with the criminal justice system. Key factors identified in relation to this contact were often the minor nature of the offence or public drunkenness.

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4 The report uses paragraph numbers to identify quotes from the Royal Commission into Aboriginal Deaths in Custody Final Report (1991), therefore allowing for consistency in citing and finding sources in both the print and electronic formats of the Report.

The Commission concluded that *while a common thread of abuse, neglect or racism could not be supported, Aboriginality played a significant, and in most cases, a dominant role in their being in custody and dying in custody* (Royal Commission, 1991b, Vol. 1, 1.1.1). Further, it concluded that,

*Aboriginal people in custody do not die at a greater rate than non-Aboriginal people in custody ... However what is overwhelmingly different is the rate at which Aboriginal people come into custody, compared with the rate of the general community* (Royal Commission, 1991b, Vol. 1, 1.3.1, 1.3.2).

The Commission found that the high rate of Aboriginal deaths in custody was directly related to the underlying factors of poor health and housing, low employment and education levels, dysfunctional families and communities, dispossession and past government policies. This was in addition to the Commission's findings that criminal justice systems were culturally ignorant and insensitive to the needs of Indigenous persons and communities, contributing to the disproportionate rate of deaths in custody.

The Commission concluded that the most significant contributing factor bringing Aboriginal people into conflict with the criminal justice system was their disadvantaged and unequal position in the wider society. The Commission found Aboriginal people had been dominated to an extraordinary degree by non-Aboriginal society and that their disadvantage was a product of that domination (Royal Commission 1991b, Vol 1, 1.7.6). As Commissioner Elliott Johnston, QC, summed up:

*... The elimination of disadvantage requires an end of domination and an empowerment of Aboriginal people; that control of their lives, of their communities must be returned to Aboriginal hands* (Royal Commission, 1991b, Vol. 1, 1.7.6).

The Commission identified three pre-requisites of such empowerment and of the associated right to self-determination. These were:

- *The desire and capacity of Aboriginal people to put an end to their disadvantaged situation and to take control of their own lives* (Royal Commission, 1991b, Vol. 1, 1.7.9).
- *Assistance from the broad society and this basically means assistance from governments with the support of the electorate, or at least without its opposition* (Royal Commission, 1991b, Vol. 1, 1.7.14).
- *Having in place an established method, a procedure whereby the broader society can supply assistance and the Aboriginal society can receive it whilst at the same time maintaining its independent status and without a welfare-dependent position being established as between the two groups* (Royal Commission, 1991b, Vol. 1, 1.7.19).

The Commission found the will for renewal and for self-determination already existed, and that there was bi-partisan support for the provision of assistance from the broader society *although inevitably there are some disputes about matters of detail, priorities and extent* (Royal Commission 1991b, Vol. 1, 1.7.18). The Commission saw self-determination both as a developing concept, and a process whereby Indigenous communities could receive assistance from broader society, while maintaining their independent status and without developing a welfare-dependency. The Commission stressed the right of Indigenous groups

to retain their cultures and identities, with self-determination being both the expression and the guarantee of that right (Royal Commission, 1991b, Vol. 1, 1.7.21).

Turning to the criminal justice system, Commissioner Johnston, in his report on the individual deaths, found that:

*... There appeared to be little appreciation of dedication to the duty-of-care owed by custodial authorities and their officers to persons in custody. We found many system defects in relation to care, many failures to exercise proper care and in general a poor standard of care (Royal Commission 1991b, Vol. 1, 1.2.3).*

*... In many cases death was contributed to by system failures or absence of due care (Royal Commission, 1991b, Vol. 1, 1.2.3).*

*It is quite clear that this Royal Commission would not have been necessary, or at least its Terms of Reference would have been very different, had there been adequate, objective and independent investigations conducted into each of the deaths after they occurred and had those investigations examined not only the cause of death – In the medical sense – and whether there had not been foul play but also questions of custodial care and the issue of responsibility in the wider sense (Royal Commission, 1991b, Vol. 1, 1.2.5).*

*It must never again be the case that a death in custody, of Aboriginal or non-Aboriginal persons, will not lead to rigorous and accountable investigations and a comprehensive coronial inquiry (Royal Commission, 1991b, Vol. 1, 1.2.7).*

The Commission has been considered unique in the breadth of the issues it covered, the depth of its analysis and in the tragic profile it gave of those who died. The Report:

*... remain among the most extensive, frank and devastating examination of the impact of colonisation on the Indigenous peoples of this country (Aboriginal and Torres Strait Islander Social Justice Commissioner, 2001: 7).*

The Commission also provided the basic groundwork and impetus for the reconciliation process and the need for a national inquiry into the separation of Aboriginal and Torres Strait Islander children from their families and is believed to have marked a turning point with its unreserved recognition of the wrongs of the past. It produced great optimism that serious attention would be devoted to overcoming the systemic, structural discrimination that Indigenous people face in Australian society as a result of colonialism (Aboriginal and Torres Strait Islander Social Justice Commissioner, 2001: 7).

## What were the Royal Commission's Recommendations?

The Commission's Final Report contains 339 Recommendations<sup>5</sup> which, if implemented according to their intent, should have provided a significant foundation for both governments and Indigenous communities firstly, to improve life outcomes and secondly, to reduce the over-representation of Aboriginal people coming into contact with the criminal justice system.

<sup>5</sup> Not all of the 339 Recommendations relate to Victoria.

The Recommendations included measures to divert Aboriginal people from custody, strategies to address alcohol and substance abuse, self-determination, relations with police, and to improve the operation of the criminal justice system. Imprisonment as a last resort and minimising the use of arrest were recommended as fundamental principles to be adopted in dealings between Indigenous people and the criminal justice system. The Commission noted that:

*... some recommendations require legislative change; some can be applied very quickly, others would require more time. But we have striven to grapple with real problems and solutions that seem feasible, rather than to make grandiose declarations about abstract rights*

*... Many of the proposals make suggestions for the better use of agencies, facilities etc, which are already in place ... There are areas where essentially much of the infrastructure is in place and policies also. What is required are modifications and changes in direction which can achieve better results ... Then there are policies which have been adopted and are in operation (Royal Commission, 1991b, Vol. 1, 1.10.1; 1.10.2; 1.10.6; 1.10.7).*

Overarching the Commission's Recommendations were two simultaneously recommended ways of addressing the over-representation of Indigenous people in custody:

- By reducing over-representation of Aboriginal people at every stage of the criminal justice system – from initial contact with police and reforms such as diversion from custody, changes to public drunkenness laws, to sentencing and coroner's procedures after death.
- By a strengthened commitment to correct fundamental factors which bring Aboriginal people into contact with the criminal justice system through tackling the underlying causes of over-representation, including disadvantage and inequality in areas like health, housing, employment, education and income. Importantly, addressing the land needs and disempowerment of Aboriginal people were seen as basic to addressing the underlying issues. Reconciliation between Aboriginal and non-Aboriginal Australians was recognised as demanding a politically bipartisan approach with negotiation based on mutual respect and acceptance of equality. Central to this approach was the contention that the current circumstances of Aboriginal people are a direct consequence of the history of colonisation.

## 2.3 Implementation of the Royal Commission's Recommendations

The Commission strongly emphasised the need for Indigenous people to be fully involved in the process of implementing the Recommendations. Its Recommendations provided an action plan for implementing ways to reduce Indigenous custody levels, remedying social disadvantage and assuring self-determination, empowerment and reconciliation. Nationwide, the Recommendations and their implementation have been viewed as setting a powerful agenda for guiding social justice reform for Indigenous peoples (Aboriginal and Torres Strait Islander Social Justice Commission, 2001: 7-30).

The Commission was concerned that there should be an orderly process for dealing with its Recommendations. Its first three Recommendations dealt with a monitoring and reporting

process, involving consultations with Aboriginal organisations in the consideration and implementation of the 339 Recommendations (Royal Commission, 1991b, Vol. 1, 1.10.15).

After the Report was tabled in the Commonwealth Parliament, governments from all jurisdictions gave a commitment to reducing the over-representation of Aboriginal people in custody and in July 1991, the Commonwealth and all State and Territory governments agreed to develop a national response to the Recommendations in consultation with Indigenous communities. Governments responded in March 1992 to the Recommendations and outlined the steps they would take to implement the Recommendations they supported. At a meeting in August 1992 the Ministerial Council for Aboriginal and Torres Strait Islander Affairs (MCATSIA) agreed to annual jurisdictional reporting. At that time, the majority of the Recommendations had the support of all Australian governments and, to varying degrees, mechanisms for implementing and monitoring were established in each of the jurisdictions. To quote the Hon. Robert Tickner,

*Governments must not be allowed to forget. They must have the determination to change things for the better, and must be held accountable for meeting their commitments ... the responses of governments to recommendations of the Royal Commission must not be allowed to languish or gather dust on the shelf (Commonwealth of Australia, 1993: 3).*

In October 1992, the Commonwealth Government produced *Response to the Recommendations of the Royal Commission into Aboriginal Deaths in Custody – Commonwealth Funded Initiatives* which outlined the specific program allocations and the amounts of money that were to be provided in each financial year from 1992-93 to 1996-97 to implement the Royal Commission Recommendations. Annual implementation reports were subsequently tabled in the respective Parliaments, but a common feature of all these reports was the limited community participation and comment.

With persistent levels of over-representation and continuing deaths in custody, as well as significant social, cultural and economic disadvantage of Indigenous Australians, the Royal Commission's findings and Recommendations remain highly relevant and significant today, more than a decade later. The Recommendations provide a minimum set of standards against which to gauge the provision of basic rights for Indigenous Australians. They are still frequently quoted in addressing the concerns of Indigenous people, and remain the subject of numerous publications.

However, the Royal Commission has also been criticised. Aboriginal people have raised the question of whether there was any real dialogue between the Aboriginal participants and the Royal Commission (Harris, 1996). The Commission *did not allow the representations by the Indigenous people to be reported on except under the terms of the Commissioners ... concerns were raised from the outset by Aboriginal organisations ... at the lack of Aboriginal involvement* (Harris, 1996: 198).

Other criticisms relate to the Commission's failure to investigate certain areas – why Indigenous women come into custody, drug use (other than alcohol) and family violence (Victorian Aboriginal Legal Service (VALS) Submission, 2004; Aboriginal Justice Advisory Council (NSW), 2000).

Since 1991, many changes have taken place in Australian society. These include a growing awareness by custodial and medical staff of the proper treatment of prisoners, and the development of cross-cultural awareness training for police, the judiciary and other criminal justice staff. There has also been expansion of Aboriginal community-based initiatives,

including night patrols, police cell visitor schemes, Elders' involvement in sentencing, and community programs for sentenced Aboriginal offenders.

Yet in spite of the considerable efforts nationwide both by governments and Indigenous communities to implement the Recommendations, there has been minimal reduction in the levels of Indigenous over-representation in the criminal justice system Australia-wide.

- Indigenous people are 15 times more likely than non-Indigenous people to be in prison.
- Since 1991, numbers of Indigenous prisoners have increased steadily, although the rate has stabilised and has begun to decrease since 1999 (Australian Bureau of Statistics, 2003).
- While the rate of Aboriginal juvenile detention has declined by 35 per cent since 1994, Aboriginal juveniles were still 19 times more likely to be detained than non-Aboriginal juveniles on June 30, 2002 (Steering Committee for the Review of Government Service Provision, 2003: 3.59).
- There have also been further Indigenous deaths in custody. The Australian Institute of Criminology (AIC) showed in 2004 that Indigenous people in Australia are still dying in custody, although the national rate of Indigenous deaths per 100,000 decreased from 4.4 deaths between 1980 and 1989 to 2.4 deaths between 1990 and 2003 (McCall, 2004).

Nor has there been significant improvement in the underlying issues that impact on the lives of Indigenous people, and which lead to these high levels of over-representation. According to the Productivity Commission in its report on *Overcoming Indigenous Disadvantage: Key Indicators* released in November 2003 (and which relates directly to the underlying factors referred to by the Royal Commission), statistical trends across Australia in relation to Indigenous disadvantage show little progress, *notwithstanding the many years of policy attention* (Steering Committee for the Review of Government Service Provision, 2003: v).

## What has happened in Victoria since 1991?

In Victoria, as elsewhere in Australia, the over-representation of Indigenous people in contact with the criminal justice system has continued. There have been seven more Indigenous deaths in custody, although no further Indigenous deaths in custody have occurred since 2000.

In Victoria:

- The rate by which Indigenous offenders processed by the police (per 100 Indigenous people) has risen from 16.9 in 1997-98 to 19.8 in 2002-03, in contrast to the figures for non-Indigenous offenders which are 3.1 and 3.2 (per 100 non-Indigenous people, respectively).
- The percentage of the prison population identifying as Indigenous has moved from 5.4 per cent in 1995 to 5.1 per cent in 2004.
- Although the number of Indigenous juveniles in detention is low, when calculated as a rate per 100,000, in June 2003 the rate of Indigenous juveniles in detention was 14.9 (per 1,000) compared to the non-Indigenous rate of 1.3 (per 1,000).

The Victorian Government, in accordance with the agreed annual jurisdictional reporting by the Council for Aboriginal and Torres Strait Islander Affairs (MCATSIA), produced a number of Royal Commission implementation reports. The first three reports (*Victorian Government*

*Response to the Royal Commission into Aboriginal Deaths in Custody, 1992; Royal Commission into Aboriginal Deaths in Custody: Victorian Government 1993 Implementation Report, 1994; Royal Commission into Aboriginal Deaths in Custody: Victorian Government 1995-1996 Implementation Report, 1996*) used a Recommendation by Recommendation reporting approach and were intended to demonstrate a commitment by the governments to implement the Recommendations.

There was consensus at a further meeting of the MCATSIA in 1996, where Victoria, along with other jurisdictions agreed to develop a more thematic approach to reporting on implementation. The *Victorian Government 1996-1997 Implementation Report* (undated) followed this thematic approach and was, until this current Review, the last report on implementation of the Recommendations by the Victorian Government. The report showed that in Victoria there was a broad range of departmental strategies and programs in place aimed at addressing the key issues raised by the Royal Commission.

In June 1997, Victoria participated in the National Ministerial Summit into Indigenous Deaths in Custody, which specifically examined issues relating to the implementation of the Recommendations. The Summit was convened following lobbying by the National Aboriginal Justice Advisory Committee (NAJAC) and other national Indigenous advocacy groups. The Summit was attended by Ministers from the Commonwealth, States and Territories, NAJAC, and the Human Rights and Equal Opportunity Commission. A significant outcome from the Summit was a national agreement to develop jurisdictional based agreements in partnership with Indigenous communities to move States and Territories forward in implementing the Commission's Recommendations.

Following the Summit, the Victorian Government, in partnership with the VALS and Victorian Aboriginal Justice Advisory Committee (VAJAC), directed efforts towards the development of an Aboriginal Justice Plan. After the appointment of the Bracks Government in late 1999, Aboriginal and Torres Strait Islander Commission (ATSIC) and the two Victorian Regional Councils were brought onto the *VAJA* working group and resources were allocated to the development of the *VAJA* as the State's key strategy for responding to the Commission's Recommendations.

The *VAJA* launched in June 2000 aims to:

- *Address the ongoing issues of Aboriginal over-representation within all levels of the criminal justice system*
- *Improve Aboriginal access to justice-related services*
- *Promote greater awareness in the Aboriginal community of their civil, legal and political rights* (Department of Justice, 2000: 5).

Key initiatives in the *VAJA* include establishment of a Regional Aboriginal Justice Advisory Committee (RAJAC) network, the AJF, a network of Koori Courts, diversionary programs, the Koori Recruitment and Career Development Strategy, and the Community Initiatives Program (CIP) to provide financial support for the development of community identified and locally based pilot projects. Other developments, both within Department of Justice and outside, are comprehensively reported in the government responses in Sections 5, 6 and 7 of this Report.

While the Royal Commission recommended the establishment of local and regionally based committees, it was not until the election of the Bracks Government in 1999, and the launch of the *VAJA*, that there was Victorian Government practical support for Recommendation 2. The RAJAC network is a core initiative of the *VAJA* providing a direct link between the criminal justice system and Indigenous communities. There are six RAJACs with five in

Regional Victoria (Barwon South West, Gippsland, Grampians, Hume and Loddon Mallee) and one in Melbourne. The RAJAC regions coincide with the Department of Human Services (DHS) regions, with the exception of the Melbourne RAJAC which is based on the combined four DHS metropolitan regions. Key roles for the RAJACs include development of regional plans which outline strategies for addressing needs and improving service delivery to local Indigenous communities, developing and enhancing partnerships and monitoring the implementation of the Royal Commission Recommendations and the *VAJA*. Core members of RAJACs include representatives of regional service providers, VALS, Victoria Police, Corrections Victoria, Courts, DHS, local government and community organisations.

The Review notes that the Indigenous Issues Unit (IIU) in the Victorian Department of Justice (DOJ) is currently undertaking an evaluation and review of the effectiveness and status of the *VAJA* and its many initiatives, including the RAJAC network, reporting on the status of all the *VAJA*'s initiatives, the degree to which its principles have been embraced, and recommendations for further development. The outcome of this evaluation needs to be considered alongside the findings of the Review Report.

## 2.4 The Victorian Implementation Review of the Recommendations from the Royal Commission

Notwithstanding these recent developments in Victoria, there is still a need for a new approach to the implementation of the Royal Commission's Recommendations. This was underscored by a number of factors.

There remains widespread scepticism in the Indigenous community about the accuracy of previous Victorian implementation reports and the success of their implementation. Other concerns centre on the lack of community input and participation in their preparation, development and implementation. The *VAJA* actively promotes community participation and does so by recognising the need for negotiation with, and self-determination by, Indigenous people in the design, delivery and evaluation of services<sup>6</sup>.

The Royal Commission has been criticised by others who expressed concerns about the inadequate reporting by governments, the lack of a reporting structure with identified benchmarks or output indicators as recommended by the Royal Commission (Cunneen and McDonald 1997: 189-195). In their submission to this Review, Williams and Urbas (2004) refer to the practical difficulties in attempting to measure the implementation status of Recommendations: how to determine which Recommendations are applicable to a jurisdiction and within jurisdictions; which departments or agencies are responsible for implementation; and how to deal with those Recommendations directed to non-government organisations and the private sector, outside of direct government control.

A second difficulty identified by Williams and Urbas (2004) is the language used in the Recommendations. Some Recommendations call for governments *To consider [action]*. If after due and proper consideration, a government rejects the proposed action, should its consideration alone constitute compliance with the Recommendation? Other Recommendations call for governments *To support [organisation/action]* or *To encourage [organisation/action]* with no specific supporting mechanisms or resources being identified. Should a verbal or written statement of support and/or encouragement by governments alone constitute compliance?

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6 It is noted that the Victorian Government provided resources in the 2004 budget to establish a monitoring and evaluation unit within the Indigenous Issues Unit, Department of Justice.

Despite the 1996 MCATSIA agreement to move forward in implementing the Recommendations, difficulties remain.

The language used by governments in reporting on their implementation progress can be confusing. Terminology is inconsistent, and aggregations of Recommendations are often reported on in total, using thematic classification systems, rather than Recommendation by Recommendation. This makes it difficult to draw definitive conclusions about the status of implementation of specific Recommendations.

Governments and other agencies, in particular Indigenous organisations, have conflicting views of what constitutes implementation. Various Aboriginal Justice Advisory Committees (AJAC) (for example the Aboriginal Justice Advisory Council (NSW), 2000) have consistently disputed the implementation status of Recommendations reported by government since the tabling of the Royal Commission's Report.

Williams and Urbas (2004) also make reference to the absence of outcome measures from the Royal Commission, and suggest the following key measures to assess implementation: rate of over-representation of Indigenous persons in custody (aim – a reduction therein as a trend over a period of time); rate of deaths of Indigenous persons in custody (aim – a reduction therein as a trend over a period of time); a set of socio-economic indicators for Indigenous persons (aim – improvements in education, employment, income, home-ownership etc). These issues are discussed further in Section 6 of this report.

According to Cunneen (2004) *the last decade has brought widespread disappointment with the Royal Commission among Aboriginal people ... police officers involved in specific deaths never faced the consequences for their actions, while the implementation of the Recommendations from the Royal Commission has stalled* and the momentum set in train by the Royal Commission appears to have been lost. No reports on implementation have been produced nationwide since 1996-97, and the community has not been informed about the reasons for this. Also, the development, launch and implementation of Justice Agreements in various jurisdictions may have overtaken much of the action required to implement the Recommendations. Thus, for example, in Victoria, the *VAJA* has subsumed many of the Royal Commission's Recommendations.

Furthermore, new issues have appeared, at least in Victoria, or were given little attention by the Royal Commission at the time. These include chroming by young people, the increasing use of illicit substances, gambling (with the liberalisation of gambling laws and introduction of poker machines), family violence and the increasing number of women coming into contact with the criminal justice system.

The need for a different approach to monitoring the implementation of the Recommendations was recognised by the Victorian Government and the AJF. The AJF agreed in April 2002, to this Review and its Terms of Reference, and that it be conducted in accordance with the *VAJA*'s nine Principles and general ethos. In Reconciliation Week May 2002, the Attorney General announced the proposed Implementation Review in accordance with commitments made by Government in the *VAJA*.

The next section describes how the Victorian Implementation Review was conducted as a partnership between the Indigenous community and the Victorian Government.