

7 Findings on Monitoring Implementation

7.1 Summary

- Recommendations from the Royal Commission on how monitoring of implementation should proceed are few, but they are crucial to knowing whether progress has occurred or not. Detailed responses on these processes were provided to this Review by Aboriginal Affairs Victoria (Department of Victorian Communities) and the Indigenous Issues Unit (Department of Justice). These responses outline the history of the implementation of the Royal Commission's Recommendations since 1991. The responses also describe related developments in Victoria, including the role of the Aboriginal Justice Forum, the *IAJA*, other initiatives such as the RAJACs which operate at the regional level, and other government strategies directed at Indigenous issues.
- According to the government self-assessment responses received, monitoring of social indicators is occurring, closely following the framework developed for the Council of Australian Governments. This framework is also consistent with the Productivity Commission's reporting processes.
- In the Indigenous people's comments about the process of implementation of the Recommendations, the need for ongoing monitoring was frequently and strongly emphasised. Such monitoring, according to those consulted, should be independent, more transparent and have greater Indigenous involvement. Strong scepticism was also expressed about the extent of progress on implementation of the Royal Commission Recommendation and many Indigenous people believed that not much had changed since 1991.
- In the course of the Review, a number of best practice examples for enhanced program development and delivery were identified, both in Victoria and elsewhere. Initiatives such as the Victorian Community Initiatives Program (evaluated in 2004) and the annual Indigenous Community Justice Awards (which identifies exemplary efforts by community volunteers and officers from justice agencies), can be effective vehicles for identifying and promoting good practice, and continuation and enhancement of these initiatives would be welcomed. Systematic identification of best practice and development of ways of adapting and sharing best practice models for Victorian settings are recommended.
- A number of difficulties were identified by the Review in the current Victorian approach to assessing implementation progress and measuring outcomes, as well as whole-of-government co-ordination. A number of recommendations are made to address these difficulties.

The Royal Commission Review has opened up a can of worms ... (Indigenous male prisoner).

The Royal Commission had 339 Recommendations ... they are wonderful Recommendations but has anything much changed? Not really (Regional Victoria).

Our Elders sat around the table and fought all those years ago [when the Royal Commission came to Victoria]. What was that fight for if it's all going backwards? I don't want my kids to have to fight all this all over again ... Our Elders had to march to get their voices heard ... that's what we'll have to do too! (Regional Victoria).

It's good that Koori people are being involved in the Review. At least we are able to say what we know is really happening. We're happy to be asked to be involved and consulted about the Royal Commission. At least it's not like it usually is, with people doing things over the top of our heads (Metropolitan Melbourne).

When we were contacted to come and talk to you about this, we went into this because we need outcomes (Interview with Family A).

I appreciate what you're doing but will it really make any difference to our lives at the end of the day? (Indigenous male prisoner).

This section of the Review describes the findings relating to monitoring the implementation of the Royal Commission's Recommendations. Few Recommendations are made on this theme, but they are critical for achieving progress in implementing the many other Recommendations. The Royal Commission recognised the significance of these key Recommendations for the implementation and monitoring processes, including their transparency and accountability. They constitute the first three of its 339 Recommendations.

A number of issues are identified in this section. The important complexities of monitoring and assessing progress, and obtaining statistical information and data, are discussed. More significant however, was the finding that the Indigenous community lacked information about government implementation processes and outcomes. In consultations and submissions, the community articulated its experience of government implementation progress, without having access to government responses. Nor did the Indigenous community have ready access to the Royal Commission's Recommendations.³¹

As in earlier sections, set out below in full are the relevant Recommendations and the self-assessed implementation status reports from Victorian Government departments; they constitute the basis upon which the implementation status was determined. Community responses follow, after which the Review comments and recommendations are presented. In respect of the latter, these are grouped under the following headings:

- (a) Evidence of Implementation Progress;
- (b) Reporting and Monitoring Processes;
- (c) Aboriginal Justice Advisory Committee and Secretariat Assistance;

³¹ The Review provided the community with copies of a booklet containing the Recommendations and a CD-ROM with the Royal Commission Report. See Section 3 for details.

- (d) Uniform National Death in Custody Database Procedures and Methodology;
- (e) Development and Monitoring of Social Indicators;
- (f) National Survey and Data Collection;
- (g) Aboriginal Participation and Control in Research; and
- (h) Identification of Best Practice.

7.2 Royal Commission Recommendations and Implementation Status

	Recommendation	Implementation status 2003
1	<p>That having regard to the great input which has been made to the work of the Commission, not only by governments and departments of government, but also by Aboriginal communities, organisations and individuals, on the one hand, and non-Aboriginal organisations and individuals, on the other, it is highly desirable that the attitude of governments to the recommendations and the implementation of those adopted be carried out in a public way as part of the process of education and reconciliation of the whole society. To this end the Commission recommends:</p> <p>(a) That the Commonwealth Government and State and Territory Governments, in consultation with the Aboriginal and Torres Strait Islander Commission (ATSIC), agree upon a process which ensures that the adoption or otherwise of recommendations and the implementation of the adopted recommendations will be reported upon on a regular basis with respect to progress on a Commonwealth, State and Territory basis;</p> <p>(b) That such reports should be made not less than annually and that, subject to the agreement of its Commissioners so to do, ATSIC be given special responsibility and funding to enable it to monitor the progress of the implementation of the adopted recommendations and to report thereon to the Aboriginal and Torres Strait Islander community;</p> <p>(c) That governments consult with appropriate Aboriginal organisations in the consideration and implementation of the various recommendations in this report;</p> <p>(d) That, wherever appropriate, governments make use of the services of Aboriginal organisations in implementing such recommendations; and</p> <p>(e) Ensure that local Aboriginal organisations are consulted about the local Implementation of recommendations, and their services be used wherever feasible.</p>	<p>a) Fully implemented, b) fully implemented, c) fully implemented, d) fully implemented, and e) fully implemented (AAV-DVC)</p>
2	<p>That subject to the adoption by governments of this recommendation and the concurrence of Aboriginal communities and appropriate organisations, there be established in each State and Territory an independent Aboriginal Justice Advisory Committee to provide each Government with advice on Aboriginal perceptions of criminal justice matters, and on the implementation of the recommendations of this report.</p> <p>The Aboriginal Justice Advisory Committee in each State should be drawn, and represent, a network of similar local or regionally based committees which can provide the State Advisory Committee with information of the views of Aboriginal people. It is most important that the views of people living outside the urban centres be incorporated.</p> <p>The terms of reference of each State, local or regional Advisory Committee is a matter to be negotiated between governments and Aboriginal people. The Commission suggests however that matters which might appropriately be considered include, inter alia:</p> <p>(a) The implementation of the recommendations of this report, or such of them as receive the endorsement of the Government;</p> <p>(b) Proposals for changes to policies which affect the operation of the criminal justice system;</p> <p>(c) Programs for crime prevention and social control which enhance Aboriginal self-management and autonomy;</p> <p>(d) Programs which increase the recruitment of Aboriginal people to the staff of criminal justice agencies; and</p> <p>(e) The dissemination of information on policies and programs between different agencies, and between parallel bodies in different States.</p>	<p>Fully implemented (IIU-DOJ)</p>

	Recommendation	Implementation status 2003
3	<p>The Commission notes that some of the recommendations of this report particularly those relating to the custodial environment, are particularly detailed. The monitoring of the implementation of recommendations could only be carried out in close liaison with the authorities responsible for implementing them. In order to ensure that the State Criminal Justice Advisory Committee is able to give informed advice to the Attorney-General or Minister for Justice, it should be assisted by a small Secretariat, staffed by people with knowledge of Aboriginal interactions with the criminal justice system. The role of the Secretariat should be to provide information to the Advisory Committee, assist it in the development of policy proposals, and liaise on behalf (and at the direction of) the Committee with other agencies. The Secretariat should be located within the Department of Attorney-General or Minister for Justice but be accountable to the Advisory Committee on terms to be negotiated between government and Aboriginal people but with the maximum degree of autonomy from government as may be consistent with it fulfilling its function to assist the Advisory Committee to give informed, independent advice to government.</p>	Fully implemented (IIU-DOJ)
41	<p>That statistics and other information on Aboriginal and non-Aboriginal deaths in prison, police custody and juvenile detention centres, and related matters, be monitored nationally on an ongoing basis. I suggest that responsibility for this be established within the Australian Institute of Criminology and that all custodial agencies co-operate with the Institute to enable it to carry out the responsibility. The responsibility should include at least the following functions:</p> <p>(a) Maintain a statistical data base relating to deaths in custody of Aboriginal and non-Aboriginal persons (distinguishing Aboriginal people from Torres Strait Islanders);</p> <p>(b) Report annually to the Commonwealth Parliament; and</p> <p>(c) Negotiate with all custodial agencies with a view to formulating a nationally agreed standard form of statistical input and a standard definition of deaths in custody. Such definition should include at least the following categories:</p> <ol style="list-style-type: none"> i. The death wherever occurring of a person who is in prison custody or police custody or detention as a juvenile; ii. The death wherever occurring of a person whose death is caused or contributed to by traumatic injuries sustained or by lack of proper care whilst in such custody or detention; iii. The death wherever occurring of a person who dies or is fatally injured in the process of police or prison officers attempting to detain that person; and iv. The death wherever occurring of a person who dies or is fatally injured in the process of that person escaping or attempting to escape from prison custody or police custody or juvenile detention. (1: 189) 	<p>a) Fully implemented, b) not relevant to Victoria, and c) fully implemented (VicPol)</p> <p>a) Fully implemented, b) not relevant to Victoria, and c) fully implemented (CV-DOJ)</p> <p>Fully implemented (CP & JJ-DHS)</p>
48	<p>That when social indicators are to be used to monitor and/or evaluate policies and programs concerning Aboriginal people, the informed views of Aboriginal people should be incorporated into the development, interpretation and use of the indicators, to ensure that they adequately reflect Aboriginal perceptions and aspirations. In particular, it is recommended that authorities considering information gathering activities concerning Aboriginal people should consult with the Aboriginal and Torres Strait Islander Commission and other Aboriginal organisations, such as National Aboriginal and Islander Health Organisation or National Aboriginal and Islander Legal Services Secretariat, as to the project.</p>	Partially implemented (AAV-DVC)
49	<p>That proposals for a special national survey covering a range of social, demographic, health and economic characteristics of the Aboriginal population with full Aboriginal participation at all levels be supported. The proposed census should take as its boundaries the Aboriginal and Torres Strait Islander Commission boundaries. The Aboriginal respondents to the census should be encouraged to nominate their traditional/contemporary language affiliation. I further recommend that the Aboriginal and Torres Strait Islander Commission Regional Councils be encouraged to use the special census to obtain an inventory of community infrastructure, assets and outstanding needs which can be used as data for the development of their regional plans.</p>	No progress reported
50	<p>That in the development of future national censuses and other data collection activity covering Aboriginal people, the Australian Bureau of Statistics and other agencies consult, at an early stage, with the Aboriginal and Torres Strait Islander Commission to ensure that full account is taken of the Aboriginal perspective.</p>	C'with responsibility

	Recommendation	Implementation status 2003
51	<p>That research funding bodies reviewing proposals for further research on programs and policies affecting Aboriginal people adopt as principal criteria for the funding of those programs:</p> <p>(a) The extent to which the problem or process being investigated has been defined by Aboriginal people of the relevant community or group;</p> <p>(b) The extent to which Aboriginal people from the relevant community or group have substantial control over the conduct of the research;</p> <p>(c) The requirement that Aboriginal people from the relevant community or group receive the results of the research delivered in a form which can be understood by them; and</p> <p>(d) The requirement that the research includes the formulation of proposals for further action by the Aboriginal community and local Aboriginal organisations.</p>	C/wth responsibility

Government Responses on Implementation

Recommendation 1: Adoption and implementation of Recommendations

AAV (DVC) advised the Review that, following the release of the Royal Commission's Final Report in April 1991, all Australian Governments, through a resolution of the Ministerial Council for Aboriginal and Torres Strait Islander Affairs (MCATSIA, August 1992), agreed to annual jurisdictional reporting of the Royal Commission. In accordance with this agreement, the Victorian Government (through Aboriginal Affairs Victoria) produced a number of Royal Commission Implementation Reports. The first three Reports (1992, 1994 and 1995-96) followed a 'Recommendation-by-Recommendation' reporting approach. These reports illustrated a commitment on behalf of successive Victorian Governments to implement Royal Commission Recommendations to the furthest extent possible within Victoria. In these Reports, 289 Recommendations were either implemented in full or in process of ongoing implementation and development, 13 Recommendations were unsupported, and 37 deemed to be not relevant to Victoria.

In June 1997, Victoria participated in the National Summit into Deaths in Custody. The Summit was attended by Attorneys-General, Ministers for Police, Ministers for Community Services, Ministers for Aboriginal Affairs, and Aboriginal representatives of the National Aboriginal Justice Advisory Committee (NAJAC) and the Human Rights and Equal Opportunity Commission. The Summit produced a National Agreement (excluding the Northern Territory) to develop jurisdictional based agreements to move States forward in addressing the Royal Commission's issues in the contemporary police and social environment.

Following the Summit, the Victorian Government, in partnership with the Victorian Aboriginal Justice Advisory Committee, directed its policy resources towards the development of the *VAJA* as the State's key strategy for responding to the Royal Commission's Recommendations. No further reports on the Royal Commission implementation were produced; rather, Victoria opted for active negotiation and consultation with Victorian Aboriginal communities, which was finalised in the signing of the *VAJA* in May 2000.

Throughout its period of active implementation and reporting, the Victorian Government worked in partnership with a range of Indigenous organisations to implement specific Recommendations. This included the Victorian Aboriginal Justice Advisory Committee, the VALS and local Aboriginal Community Justice Panels. It also involved a range of existing partnerships between Indigenous organisations and government agencies in a broad range of social policy areas (eg, housing, health and education) in the delivery of services. Victoria's commitment to partnership approaches in tackling Royal Commission issues was highlighted by the development and signing of the *VAJA* in May 2000.

It is only recently, through the establishment of Regional Aboriginal Justice Advisory Committees, that Victoria has established a specific community-based structure/processes for local consultation and management of Royal Commission related activities. Prior to this, local consultation and involvement was generally provided by groups such as Community Justice Panels and local Aboriginal community organisations involved in the Royal Commission related program and service delivery.

Recommendation 1 involves three key issues: annual reporting on implementation, consultation with, and involvement of Indigenous stakeholders. In respect to reporting, most Australian governments undertook reporting on an annual basis until the mid to late 1990's. The Commonwealth's cessation of reporting on (or recognising) the Royal Commission after 1996 had the effect of diminishing focus on the Royal Commission as a key national Indigenous policy framework. As noted, the 1997 Ministerial Summit on Deaths in Custody transferred much of the responsibility for responding to the Royal Commission to a jurisdictional level. Jurisdictional Justice Plans were seen as the best means for providing ongoing focus and prominence to the Royal Commission and allowed jurisdictions the flexibility to determine priorities and establish more strategic approaches to implementation and monitoring. As noted, the development of Jurisdictional Plans (particularly the *VAJA*) promoted the development of new structures at a local community, state-wide and government level to undertake planning, implementation, program delivery and monitoring.

In general, the development of the *VAJA* has significantly expanded mechanisms in Victoria that support community engagement in and involvement in addressing justice-related Royal Commission issues.

As noted, the *VAJA* is integral to the ongoing response of Victorian Government agencies to the issues raised in the RCIADIC. The *VAJA* provides both an agreement (which outlines an agreed set of principles and strategic objectives relevant to Victoria) and a Statewide Action Plan that outlines initiatives and planning/administrative structures required to address Aboriginal justice issues.

Importantly, the *VAJA* established several forums that promote Indigenous partnerships in the design, implementation and review of Justice-related RCIADIC initiatives within a framework that allows for emphasis to be placed on Victorian and local Indigenous community issues and perspectives.

In developing the *VAJA* the Victorian Government acknowledged that it was not possible to tackle the over-representation of Indigenous people in the criminal justice system without also tackling the disproportionately high levels of indigenous disadvantage. Accordingly, addressing the underlying issues is viewed as an ongoing requirement of relevant Departments developing and implementing Indigenous affairs policies consistent with the intent of the Royal Commission Recommendations across all areas of government.

There are opportunities in relation to the development of broader whole-of-government responses to Indigenous issues, for the Indigenous community to negotiate holistic solutions to key 'underlying' issues which impact on Indigenous over-representation in the Justice system. These opportunities (which are currently being advanced through structures such as the Premier's Aboriginal Affairs Advisory Council) will be determined by negotiation between the Government and Indigenous representatives across a range of key portfolio areas.

Implementation of this recommendation would be significantly enhanced by the Department of Justice reporting annually on RCIADIC justice-related recommendations, Indigenous

contact with the Justice system and *VAJA* outcomes. It has been two and a half years since the launch of *VAJA* and there has been no regular public reporting on outcomes (the key concern of the RCIADIC), or analysis conducted, as to the increases in Indigenous over-representation in Victorian prisons. Establishing a regular report on the *VAJA* and associated Indigenous justice-related issues would be of significant benefit to Indigenous communities and could be incorporated (in part) within the Victorian Government's Annual Aboriginal Affairs Report.

Recommendation 2: Establishment of Aboriginal Justice Advisory Committees

Indigenous Issues Unit (IIU) (DOJ) advised the Review that linkages with the VAJAC have been strengthened. The VAJAC was a leading community player at the Ministerial Summit on Indigenous Deaths in Custody, conducted on 4 July 1997. A broad commitment towards jurisdictional justice plans was among the key outcomes of this meeting and provided the basis for the development of the *VAJA*. As a direct response to the principles of this recommendation and a broader commitment towards the view that Koories are best placed to address issues in their own communities, the VAJAC played an integral role in the *VAJA*'s development, participating at all key stages, promoting its potential, and providing direct advice on drafts. The degree of this involvement is reflected in the *VAJA*, where the Chairperson of the VAJAC is among the Koori community signatories, alongside those who were at that time, the most senior elected representatives from the Aboriginal and Torres Strait Islander Commission.

Following the launch of the *VAJA* in 2000, the VAJAC has continued to play a key role in the implementation of its principles and initiatives. Specifically, this has included representation on the Aboriginal Justice Forum through its Chairperson; membership of the Melbourne Metropolitan RAJAC; and ongoing direct linkages and access with a range of Department of Justice agencies and business units. The VAJAC has always received its primary funding from Commonwealth sources. Recently, the Victorian Government has also assisted in this manner by providing funds for the employment of a research officer over a fixed term period, under the Community Initiatives Program.

The development of the RAJAC Network constitutes both a core initiative of the *VAJA* and a direct response to Recommendation 2. The RAJAC Network was established in April 2001 and comprises six regional committees, which are in addition to and independent of the existing VAJAC. The Committees operate across Victoria, with five of these based on regional boundaries. The six committees are divided into the following six geographical areas:

- (a) Barwon South West (which includes regional centres such as Geelong, Hamilton, Heywood, Portland, and Warrnambool);
- (b) Grampians (Ballarat, Dimboola, Halls Gap, and Horsham);
- (c) Gippsland (Drouin, Warragul, Morwell, Sale, Bairnsdale, Lake Tyers, Lakes Entrance, Orbost and Cann River);
- (d) Hume (Shepparton, and Wodonga);
- (e) Loddon Mallee (Mildura, Robinvale, Swan Hill, Kerang, Echuca, and Bendigo); and
- (f) Metropolitan Melbourne (which extends from locations such as Werribee, Broadmeadows, Hastings, and Healesville).

The regions are based on those under which the DHS operates: that is, the five regional locations as described above and the Melbourne Metropolitan region which is an amalgam of

the four existing DHS metropolitan regions. These boundaries are reflective of broad Koori community preference during the consultative phase of the Agreement's development. DHS is in many instances the major source of funding and program support for Koori community organisations. Each RAJAC consists of representatives of Koori community organisations that are responsible for the delivery of justice-related services, and representatives relevant Victorian Government agencies, the Aboriginal and Torres Strait Islander Commission, and local government. Victorian Government agencies typically included in individual RAJACs are Victoria Police, Community Corrections, Magistrates' Court, Juvenile Justice and the Sheriff's Office.

As part of an overall aim to maximise Koori community participation, many RAJACs have also included Koori youth amongst their membership. At the meeting of the Aboriginal Justice Forum on 3 and 4 April 2003, a proposal to establish a Koori Youth Justice Network was endorsed. It is anticipated that the Network will provide direct advice to the Aboriginal Justice Forum. Individual RAJACs also have the capacity to include other relevant stakeholders; for example, some RAJACs are presently considering the inclusion of specific youth representatives. Each RAJAC is chaired by a community member who is selected by their peers. Each RAJAC is supported by a full-time Executive Officer. Following a review, each Executive Officer is now employed on an ongoing basis within the DOJ. The key tasks of the Executive Officer position include providing secretariat support, ongoing development and negotiating of the implementation of regional plans and contributing to the development of the State-wide plan.

As part of Recommendation 2, the Royal Commission suggested that any Committee's role may include:

- (a) *The implementation of the Recommendations of this report, or such of them as receive the endorsement of the Government;*
- (b) *Proposals for changes to policies which affect the operation of the criminal justice system;*
- (c) *Programs for crime prevention and social control which enhance Aboriginal self-management and autonomy;*
- (d) *Programs which increase the recruitment of Aboriginal people to the staff of criminal justice agencies;*
- (e) *The dissemination of information on policies and programs between different agencies and between parallel bodies in different States.*

The following constitutes a range of achievements under each of the above suggestions:

a. Review Responses and Implementation of the Recommendations of RCIADIC

An integral feature of this current review of the Recommendations is the participation of Koories at all stages of the process. This contrasts with previous reviews in which Koori participation occurred during the final stages of the review process. For example, the development of the project briefing and methodology for this review was developed in partnership with the AJF. The AJF includes the participation of the six RAJAC Chairpersons; the Chairperson of the Victorian Aboriginal Justice Advisory Committee; the Victorian ATSIC Chairperson and two Regional Chairpersons; and the Chairperson of VALS. The Review is also overseen by a Royal Commission Implementation Steering Committee. A key part of the review process also includes enabling Koories to comment on the self-assessment reports completed by individual Victorian Government agencies in relation to relevant recommendations.

b. Effecting Change Towards the Operation of the Criminal Justice System

The role of the RAJACs in contributing towards change in the operation of the criminal justice system is made explicit on page 36 of the *VAJA*. Specifically, this states that *a key role for the Regional AJACs will be to promote and facilitate community-based initiatives to reduce contact with the criminal justice system*. The RAJACs have facilitated much of this process through the development of their own regional plans. Using the partnerships which have been developed or enhanced over the last two years between representatives of Victorian Government agencies and Koori community stakeholders, the regional plans seek to provide locally based responses to issues and challenges faced by Koories in individual or multiple locations within respective regions.

The Gippsland Regional Plan has been launched and adopts this very approach. Following the release of all six plans, each RAJAC will play a key and equitable role in the development of the State-wide Action Plan which will focus on developing responses to issues of State-wide significance. In addition to the work undertaken on the above plans, the *VAJA* contains a set of principles which oblige Victorian Government agencies to work in partnership with Koories in the development, delivery, and evaluation of programs and policies which affect their communities. This approach has been adopted in a number of instances, including the development of Koori Courts in Shepparton and Broadmeadows.

c. Crime Prevention and Social Control to Enhance Self-Management and Autonomy

The RAJACs, most notably through their participation on the Aboriginal Justice Forum, have a key role in assisting to ensure that the initiatives within the Justice Agreement are developed and delivered in a culturally sensitive manner. Crime prevention and self-determination also constitute key elements of preliminary or fully developed regional plans. The RAJACs also play a key role in the development of proposals which are funded under the Community Initiatives Program. This program encourages communities to develop locally based initiatives based around research or pilot programs.

d. Programs which Increase Recruitment of Aboriginal People to the Staff of Criminal Justice Agencies

RAJACs play a key role in advocating for the principle that Koori people are often best suited and most ably qualified to deliver services to their own communities in a culturally appropriate manner. This principle is a cornerstone of the *VAJA* and has most notably resulted in the:

- (a) Development of an Indigenous Issues Unit within the Department of Justice, with the majority of those employed being Indigenous;
- (b) Employment of Koori coordinators in the key Justice fields of Legal Policy, the Office of the Correctional Services Commissioner, Human Resources, and the Dispute Settlement Centre of Victoria;
- (c) Appointment of Koori bail justices and mediators;
- (d) Awarding of scholarships to help facilitate an increase in the long-term number of Indigenous lawyers, policy officers, and other allied professionals, within both the public and private sectors;
- (e) Development of a Koori Staff Network within the Department of Justice; and

- (f) Building of employment pathways through direct relationships with the Northlands Secondary College (which has a high concentration of Koori students) and the staging of employment and careers fairs across regional Victoria.

e. Dissemination of Information on Policies and Programs between Different Agencies and between Parallel Bodies in Different States

The structure and composition of the RAJACs, in addition to their direct participation on the AJF, enables information exchange to occur on a direct basis. More importantly, the context under which these processes are activated enables Koori community stakeholders to have a direct impact on project and program design, development, delivery and evaluation. This is most commonly reflected, as outlined above, in the membership and activities of individual RAJACs, the development of regional plans, and active participation on the AJF.

New Way of Doing Business

The RAJACs represent a new way of doing business with Koori communities. Whereas past practices focused on consultation, which essentially meant involving Koori communities at the latter stages of policy development, the RAJACs are now part of a broader process which focuses on partnership; that is, Koories are now integrally involved in the development, delivery, and evaluation of all justice programs and policies which affect their communities. This means that, in order to assist and facilitate real change, Koori RAJAC representatives need to be dealing with appropriate senior staff from government agencies. Following a short period of adapting to this change, appropriate senior staff are now core members of the RAJAC Network.

Administrative Arrangements of Executive Officers and Turnover of Executive Officers

During the initial period of the RAJAC Networks' establishment, contrasting views existed about the appropriate auspice body to oversee the employment of the six Executive Officers. Following a series of discussions, the AJF agreed that the Municipal Association of Victoria (MAV) be engaged to auspice the program on an interim basis for a twelve-month period, by providing accommodation and administrative support through appropriate local government authorities. At the end of this period, it was agreed that a review of these administrative arrangements would be undertaken by an independent consultant.

A number of events followed. These included:

- The placing of the Executive Officers on twelve-month contracts, in line with the auspice arrangements agreed to with the MAV;
- Difficulties in placing Executive Officers in appropriate accommodation at local government authorities across Victoria; and
- Ensuring negotiations to find appropriate office space within Department of Human Services locations once it became evident that suitable arrangements could not be made with many local government authorities.

It was agreed that these events influenced the capacity of Executive Officers to undertake their tasks. All six positions were subsequently given ongoing status within the Department of Justice following a review of their administrative arrangements completed in September 2002 and endorsed by the AJF.

As a direct result of increased opportunities facilitated by the principles of the *VAJA*, most of the original six RAJAC officers have moved on to more senior roles within the Justice field, both within and beyond the Department of Justice.

As outlined above, a review of the RAJAC administrative arrangements was completed in September 2002 and subsequently endorsed by the Aboriginal Justice Forum. The paper is entitled *Report on Review of Regional Aboriginal Justice Advisory Committee Network Executive Officer Administrative Arrangements*. It contains fourteen recommendations covering a range of issues including employment, administrative support and management. Many key recommendations have been adopted, including Recommendation 10 which focuses on the ongoing employment of RAJAC Executive Officers.

A more exhaustive review of the broader RAJAC Network is anticipated to occur as part of the three-year review of the *VAJA*.

Koori communities were intimately involved as partners in the development of the RAJAC Network. Moreover, the RAJAC Network is based on Recommendation 2 of the Royal Commission. This Recommendation was itself based on the collective aspirations of Koori communities and the objective findings of the Royal Commission.

In terms of the actual operation of the RAJACs, it is important to note that:

- Each Koori representative has a role in electing their respective Chairpersons;
- Every Koori community organisation which has a responsibility for delivering justice-related services is represented; and
- Every Koori community member has an opportunity to contribute to RAJAC meetings, either by approaching their respective community representatives or by attending the RAJAC meetings in person.

The *VAJA* principles, strategic objectives and initiatives reinforce the importance of having community-led monitoring and evaluation mechanisms, such as RAJAC Network. As the *VAJA* and Royal Commission Recommendations both underline, Koori community participation in the development, delivery, and evaluation of programs and policies is of fundamental importance if Koori over-representation in the criminal justice system is to be reduced. The principles of the *VAJA* are based on the Royal Commission Recommendations. As outlined above, the development of the RAJAC recommendations is a direct response to Recommendation 2 of the Royal Commission report.

The development and implementation of the Regional Plans and Statewide Plan provide the greatest opportunity for Koori communities wishing to influence change within the justice and justice-related sectors. The plans are community owned documents, as is reflected by the varying methodologies which were adopted across all six regions.

The strengths of the plans and the opportunities they provide include:

- Development of programs and policies which also reflect mainstream service input, expectations and understanding based on close linkages which have been developed over the course of almost two years;
- Direct and broad Koori community involvement which acknowledged the importance of including perspectives from a grass-roots base; and

- Development of documents which are independent of Government endorsement, but underpinned and broadly supported by notions associated with partnership, self-determination, and reconciliation.

It is anticipated that the plans, along with the findings of the Royal Commission response, will provide the basis for the second phase of the *VAJA*.

The structure and evolution of the RAJAC Network has focused on the broad advisory and monitoring role originally recommended by the Commission. Apart from broad adherence to the planning process, and minimum representation from sections of the Koori community and Government agencies and business units, the RAJACs have been encouraged to develop processes and approaches which are reflective of the needs and aspirations of their members and those that they represent. This has been reflected in such issues as the frequency and locations of meetings; matters on the agenda; and most importantly, strategies employed to advance justice-related issues.

At the April 2003 AJF it was agreed that there be further development of an effective and appropriate youth participation model. It was also noted that this was anticipated to occur through the Victorian Indigenous Youth Advisory Council (VIYAC). As at November 2003, the VIYAC structure and auspice was still being considered. This work is being supported by Aboriginal Affairs Victoria. The RAJAC Network, via its youth representation, will feed into such a structure.

Between June 2003 and November 2004, in addition to the Gippsland Regional Plan, four more Regional Plans were launched; Grampians (August 2003), Barwon South West (September 2003), Loddon Mallee (September 2003) and Melbourne Metropolitan (May 2004). The Hume Regional Plan is due to be launched by mid-2005. Following the launch of all six plans, work will commence to identify broad policy directions and priority areas from the six plans which will contribute to development of the next phase of the Aboriginal Justice Agreement.

Recommendation 3: Secretariat Assistance for Criminal Justice Advisory Committees

IIU (DOJ) advised the Review that both the VAJAC and the RAJAC Networks provide detailed advice to government on a range of justice issues. The structure of both entities enables this process to be independent and reflective of Koori community views and needs.

The VAJAC has a key role in the monitoring of Royal Commission Recommendations. Its membership includes peak Victorian Aboriginal community organisations, thus enabling it to comment or provide advice on a number of issues which contribute to the over-representation of Koories in the criminal justice system. This role has recently been demonstrated in a number of policy arenas including:

- The Ministerial Summit on Indigenous Deaths in Custody;
- Development and launch of the VAJA; and
- Program and policy development, monitoring, and advocacy through membership of the Aboriginal Justice Forum.

Through a number of broad linkages, the VAJAC has direct contact with senior representatives from Victorian Government agencies responsible for delivering justice-related services. Such linkages are typified through the AJF, where the VAJAC Chairperson sits at the table with the Parliamentary Secretary, Justice, and the Secretaries of the

Department of Justice, Department of Human Services, and Department of Education and Training. In line with the preference of its Koori community stakeholders, the VAJAC Secretariat operates from the VACSAL. The VAJAC has always received its primary funding from Commonwealth sources. Recently, the Victorian Government has also assisted in this manner by providing funds for the employment of a Research Officer over a fixed term period, under the Community Initiatives Program.

See Recommendation 2 in regard to the development of the Victorian RAJAC.

Each RAJAC region has a Secretariat consisting of an Executive Officer, who is employed by the Department of Justice. Each Executive Officer receives broader support and is managed by the Indigenous Issues Unit, Portfolio Planning, in the Department of Justice. The specific duties of each RAJAC Executive Officer are to:

- Provide key support and secretariat services to their respective RAJAC;
- Develop cross-agency linkages for the RAJAC and assist in facilitating leadership among Koori community justice agencies;
- Assist in the development and, following completion, the implementing and monitoring of a regional plan;
- Represent the RAJAC on justice-related forums at officer level;
- Report to the RAJAC and Indigenous Issues Unit on a monthly basis; and
- Develop, under the direction of the RAJAC, reports on the regional implementation of the Recommendations of the Final Report of the Royal Commission into Aboriginal Deaths in Custody and the *VAJA* and related initiatives.

All present and past Executive Officers are Koories who have knowledge of the criminal justice system from both a local and state-wide perspective. They also all have linkages with the Koori communities in their respective regions.

Each Executive Officer selected must have a demonstrated:

- Knowledge of Koori culture and society and an ability to communicate effectively with the Koori community;
- Understanding of the justice system and how it impacts on the Koori community;
- Written and communication skills, including the ability to liaise with relevant justice agencies and Koori organisations;
- Ability to represent the Regional Aboriginal Justice Advisory Committee in community and government forums and meetings;
- Planning and project management skills and experience of a high order; and
- Ability to manage and supervise staff to achieve desired outcomes.

Collectively, those in the Executive Officer positions are credited with a number of achievements. These include:

- Assisting with the development of regional plans, which detail Koori justice needs at a local level and propose the development of activities to be undertaken on a partnership basis by both Koori and non-Koori stakeholders;
- Providing linkages between senior Koori and non-Koori stakeholders through regular meetings of the Regional Aboriginal Justice Advisory Committee;

- Promoting the principles of the *VAJA* at a local level through a range of activities, including monitoring and assisting to facilitate a number of pilot projects through the Community Initiatives Program (this occurred, for example, in the development of a Night Patrol bus service in both Shepparton and Mildura, where youth are being diverted from adverse contact with the criminal justice system); and
- Assisting to dismantle real or perceived barriers between Koories and those administering justice services. This achievement is especially reflected in Indigenous Community Justice Award winners where many members of the Judiciary and Victoria Police have been nominated by RAJACs.

The success of such activities and the resulting credit attributed has enabled many former Executive Officers to gain employment in other areas of the justice system, including law, corrections and project management.

See Recommendation 2 on the general comments on implementation difficulties (New Way of Doing Business).

The RAJACs operate according to the principles, strategies, objectives, and initiatives of the *VAJA*; that is, on a local level, they seek to minimise over-representation in the criminal justice system by promoting and where possible facilitating the accessibility, utilisation and effectiveness of justice-related programs and services. In doing so, one of the key activities of the RAJACs is to monitor the recommendations of the Royal Commission into Aboriginal Deaths in Custody, in both a formal (via regional and statewide plans) and informal (by directly addressing matters as they arise on an ad hoc basis) manner.

The principles of the *VAJA* are based on the Royal Commission Recommendations. The development of the RAJAC Network is a direct response to Recommendations 2 and 3 of the Royal Commission into Aboriginal Deaths in Custody. While the RAJAC Network is funded by the Justice Portfolio, its autonomy is facilitated through a number of ongoing mechanisms which foster informed and independent advice to government.

Regional and Statewide Plans

The regional plans are reflective of Koori community needs and aspirations. It is anticipated that the state-wide plan will reflect the same issues at a broader level. These plans will also provide an ongoing opportunity for Koori community input as individual elements of these documents are sought to be developed and adapted to local or regional needs.

Regular Meetings

Meetings of individual RAJACs and RAJAC Chairpersons are conducted regularly. These meetings provide an ongoing capacity for Koori community stakeholders to comment and, where necessary, seek direct action in relation to the development of individual *VAJA* initiatives; mainstream program development and delivery; and individual justice-related matters as they occur at a regional or local level.

Aboriginal Justice Forum Meetings

The AJF is the peak body for overseeing the implementation of the principles and programs of the *VAJA*. Its membership includes the six RAJAC Chairpersons, who are able to articulate any issues or comments on justice issues directly to the most senior members of the executive pertaining to the Department of Justice, Department of Human Services and Department of Education and Training.

Changing Environment

The scope for the RAJACs is now much wider than that originally envisaged under the original Recommendation of the Royal Commission into Aboriginal Deaths in Custody. While issues relating to the underlying issues and to alcohol abuse remain pertinent, matters associated with illicit drug use, chronicling, gambling and increased adverse contact of Koori women with the criminal justice system have emerged. This means that the ongoing work of the RAJACs is of key importance.

In line with Recommendation 3 of the Royal Commission, the autonomy which is fostered through the regional and state-wide planning process, the AJF and regular RAJAC meetings will assist in setting any new directions or policy proposals as they are required.

Recommendation 41: Establishment of the National Deaths in Custody Monitoring and Research Program at the Australian Institute of Criminology (AIC)

See Section 6.2 – Police for the **Victoria Police** response to this Recommendation.

See Section 6.4 – Corrections for the **Corrections Victoria (DOJ)** response to this Recommendation.

See Section 6.5 – Juvenile Justice for the **Child Protection & Juvenile Justice (DHS)** response to this Recommendation.

Recommendation 48: Social indicator monitoring

AAV (DVC) advised the Review that where AAV develops evaluation processes related to its key strategic projects, development of evaluation criteria is negotiated with Indigenous stakeholders and partners involved in specific policy development projects. ATSIC elected representatives play a key role in this process through their membership on the Premier's Aboriginal Advisory Committee (PAAC), as do relevant state-wide Indigenous organisations. AAV has only recently released its inaugural Annual Aboriginal Affairs Report, the first in which AAV has published a detailed profile of Indigenous indicators. The data set used in the report was subject to endorsement by the PAAC and was based in part on the draft data set being developed by the Council of Australian Governments (working title – 'National Indicator Framework of Indigenous Disadvantage').

The National Framework is being developed for COAG by the Steering Committee for the Review of Commonwealth/State Service Provision. The National Indicator Report is currently the subject of national consultations with key Indigenous and government stakeholders (including ATSIC). It should be noted that many of the indicators included in the draft framework are drawn from national portfolio reporting frameworks (for example, the Australian Health Ministers Council Indigenous Health Indicators Report) which in themselves have been subject to extensive national consultations with key Indigenous stakeholders. Following further refinement of the proposed indicator framework, a proposal will be provided to COAG for endorsement in mid-2003. Victoria will adopt relevant elements of the framework for annual reporting on Indigenous outcomes in this state.

Involvement of Indigenous people in the development of social indicators is important to ensure their acceptance by Indigenous communities as appropriate measures of social and economic progress. A critical element missing from this recommendation is that the data should be comprised of strategically relevant information that is negotiated and provided to

communities as a core component of the whole-of-government models of community development proposed in Recommendation 190-199 and 203-204. AAV also advised the Review to note the response to Recommendation 190 (Section 5.8 – Community Capacity).

The Minister for Aboriginal Affairs has recently conducted consultations with Aboriginal people and communities across Victoria in relation to, amongst other policy initiatives, the development of a Victorian Aboriginal Affairs framework. It is intended that a key element of the framework will be the establishment of a Victorian performance indicator framework, which will be loosely based on the *Overcoming Indigenous Disadvantage* performance indicators.

It is envisaged that the Victorian Aboriginal indicators framework will be developed around the priority action areas identified previously in consultations with the Victorian Aboriginal communities. These are:

- **Aboriginal Partnerships:** Recognising and respecting Aboriginal people's right to self-determination expressed through active partnerships with government that involve Aboriginal Victorians in the planning, management and delivery of government services;
- **Land and Culture:** Delivering land justice to Aboriginal Victorians and ensuring the protection of Victoria's Aboriginal cultural heritage for future generations;
- **Economic Development and Participation:** Making sure the benefits of greater cultural recognition, land ownership and community control, can be effectively translated into opportunities for business development, employment, and economic independence;
- **Family and Community Well-being:** Developing positive strategies to address individual and community well-being that build on the strength of Aboriginal culture, and help nurture and develop the well-being, knowledge, skills and identity of Aboriginal Victorians;
- **Improved Justice Outcomes:** Addressing injustice and providing a safe and secure environment for Aboriginal families and communities to live in.

Recommendation 49: Indigenous survey

No progress reported as this Recommendation was not allocated to a Victorian Government Department.

Recommendation 50: Indigenous people consulted on national census

No progress reported as this Recommendation was not allocated to a Victorian Government Department.

Recommendation 51: Research affecting Indigenous people

AAV (DVC) advised the Review that, in general, AAV does not fund external research. AAV's current Indigenous Family Strategy project will involve the commissioning of research on published family violence statistics. In commissioning this research the AAV will include Recommendation 51 principles within tender documentation.

The principles included in Recommendation 51 are generally applicable in all areas where government is commissioning research into Indigenous issues. These principles could be reviewed (with additional work undertaken in this area since 1991, particularly in the area of health research) with a view to establishing a consistent whole-of-government approach in Victoria Government Departments.

7.3 Community Responses

Many Indigenous community members provided comments on the progress made in the implementation of the Recommendations and related issues, and several submissions were also made to the Review Team.

The submission by VALS raised a number of specific issues. Apart from expressing disapproval of what was seen as the lack of consultation over the 2004 Tender Policy for ATSILS, viewed as contrary to several of the Commission's Recommendations, the VALS submission addressed monitoring and implementation questions in three ways.

First, it was strongly critical of self-assessment processes carried out by government departments, arguing a lack of objectivity and difficulties with assessment in terms of whether Recommendations had been fully, partially or not implemented. These terms were considered to lack clarity of definition and to be flawed, as they did not reveal the reasons for failure to implement.

Secondly, the submission stressed the difficulties inherent in monitoring the implementation of so many specific Recommendations, and supported a move to more limited specific, or 'headline', indicators for quarterly or annual review purposes. Consistent with this suggestion, VALS also argued strongly that the Implementation Review must be ongoing (instead of what has been an occasional process), focusing on a small number of headline items as key performance indicators.

The lack of consultation on the tender policy undermines the right to self-determination. The tender policy also ignores the right to self-determination by opening up the possibility of legal services no longer being supplied by Indigenous organisations with Indigenous staff, but mainstream providers ... It also flies in the face of Recommendation 1e which states: 'local Aboriginal organisations are consulted about the local implementation of recommendations and their services be used wherever feasible' (VALS, 2004: 45).

Many of the Indigenous community's general responses to questions of implementation and monitoring were negative, or at best, sceptical. Some individuals recalled the situation during the period when the Royal Commission was conducting its investigations, and immediately after:

The Royal Commission was held in high regard ... I think you could easily say that it has now fallen down (Regional Victoria).

Back then anyway, no one even took any notice of the Recommendations at all (Regional Victoria).

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

In particular, many comments were directed at the past record of implementation and drew comparisons to the situation:

Most people think that this 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 (Metropolitan Melbourne).

The Royal Commission was in 1991 and all this stuff [the Recommendations] 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? (Metropolitan Melbourne).

The Royal Commission was 14 years ago. What do we have to show for it? Nothing has changed for Aboriginal people. The Royal Commission had 339 Recommendations, but has anything much changed? Not really (Regional Victoria).

It will take at least another 30 years before there will be any change at all (Metropolitan Melbourne).

Comments associated with this pessimistic view were those which emphasised the perceived lack of progress in specific areas:

There are several Recommendations about health and housing, but not much has been done (Regional Victoria).

Koori Education has been around since 1970. These positions did not happen as a result of the Royal Commission Recommendations. The fact is that no government department has really put in any extra funding to implement the Recommendations at all. Back then anyway no one even took any notice of the Recommendations at all (Metropolitan Melbourne).

The important issue of accountability was discussed in many instances, raising the question of fairness and trust in government:

The regulations are there, but there's no accountability (Metropolitan Melbourne).

Why haven't the government asked the questions about why things are or are not working? You know why? Because they don't want to know. There's no accountability processes in government. Everything is happening on a goodwill basis (Regional Victoria).

The implementation status of Recommendations as reported by the government agencies is a load of crap (Regional Victoria).

There's a need for the government to be made more accountable and ongoing monitoring of the Royal Commission recommendations has to happen (Regional Victoria).

If we breach things in here [prison] there are consequences. Why aren't there consequences for the government too? (Indigenous male prisoner).

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 exactly right is it? (Metropolitan Melbourne).

Governments and agencies need to be made accountable for the implementation of the Royal Commission's Recommendations and report on the status on a regular basis (Regional Victoria).

I think it's great that all government agencies and departments are to be reviewed. It's too easy for them to assess themselves. There's nobody there who'll tell them that they are wrong anyway (Regional Victoria).

We need prisons and government to be accountable because if you look at all the Recommendations, you can see that they haven't been followed and that they did not care for her [Indigenous person who died in custody] as they should have (Metropolitan Melbourne).

Comments about the continuing importance of the Royal Commission and suggestions about improving implementation of its Recommendations were also made:

If you want the implementation of the Recommendations done properly then community agencies have to have ownership (Regional Victoria).

Nobody ever really thinks about the Royal Commission anymore. It only means something to us blackfellas (Regional Victoria).

The underlying issues kept recurring time and time again in community comments, reflecting and supporting the Royal Commission's findings on this critical theme:

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 (Metropolitan Melbourne).

In terms of the Royal Commission you will never get anywhere until you address the underlying issues (Regional Victoria).

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 ... making the cells safe is just a bandaid solution (Indigenous male prisoner).

We have to address reconciliation and land issues first. If this isn't looked at then nothing can ever change ... we are the original landowners, yet we are the minority in Australia and they [non-Indigenous people and Government] don't want to go there with us (Regional Victoria).

The significance of the Royal Commission for prisoners was especially highlighted:

I'm a Peer Educator in this prison and guys come to me all the time about their problems. Every Koori prisoner should be given a copy of the Royal Commission Recommendations so that we know what they can and should be doing for us when we are in prison (Regional Victoria).

To tell you truthfully, I don't even know what one of the Recommendations are but I do know how I've been treated and that's not good either (Indigenous male prisoner).

In reality, it should be that if one of the boys comes to me and tells me that one of the Recommendations has been broken or breached by the

prison then there should be a place like the Implementation Review Team that I can contact so that we feel like someone is listening and something will be done about it (Indigenous staff member).

Some of those who were spoken to clearly shared the VALS view that there is a need for an ongoing review:

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).

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

We need an ongoing review process and a team to be able to respond to the issues as they arise. Governments and agencies need to be made accountable for the implementation of the Royal Commission Recommendations and report on the status on a regular basis (Regional Victoria).

But more pointedly, in reference to what the Review was attempting to do or even more directly, what it would be able to do, many community people were sceptical:

You [Implementation Review Team] come here with great intentions and then 6-12 months later we still have nothing. What will this Review change? (Indigenous male prisoner).

We get you fellas up here from Melbourne to talk about these things and [you] expect us to give you everything all the time. Maybe the community has given up hope with you (Regional Victoria).

All these group meetings we have with the [Review] is good but you only come in once and we never see you again. We never hear what happens out of all this either (Indigenous male prisoner).

If you are going to call groups together and expect us to talk about our things then you need to keep it going too. It's not just about taking all the time and you can't just have it like this (Indigenous male prisoner).

*Are you independent? Can you say what you want? Can you tell it like it really is and not just some bulls*** fantasy? What will the Review change? (Indigenous male prisoner).*

Its hard for me to be positive about all this. You come in here like the Stolen Generation people and take our stories and we keep on giving but seeing nothing much in return (Indigenous male prisoner).

I appreciate what you're doing but will it really make any difference to our lives at the end of the day? (Indigenous male prisoner).

These comments underline the important need for an on-going, genuine dialogue between the Indigenous community and the Victorian Government. This involves not only the community being informed about what is being done by government departments, but also

requires the community's views and experiences to be heard and for real participation to occur this should happen on regular basis.

The need for the Review to ensure the Recommendations relating to prison are implemented and monitored was also strongly emphasised:

Whatever comes out of this Review, you need to make sure you look after the prisoners first. If you do something for them then that makes all the difference (Metropolitan Melbourne).

And while the Review's Freecall number for prisoners was appreciated, the need to have it continued was also seen as desirable:

It is great that you have established that freecall number for prisoners [but] why can't it be a recommendation that the number is continued to assist prisoners? They are more likely to disclose their feelings over the telephone than directly to a worker (Regional Victoria).

Nor were community members always particularly content with the idea of departments and agencies assessing themselves:

I think it's great that all government agencies and departments are to be reviewed. It's too easy for them to assess themselves. There's nobody there who'll tell them they are wrong anyway (Regional Victoria).

Out of all 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? (Metropolitan Melbourne).

What about AAV's role in the implementation phase? What have they done? Nothing. Just because they don't have the capacity doesn't mean they shouldn't have done nothing all this time (Metropolitan Melbourne).

However, some progress on the part of government agencies in addressing the Recommendations was also cited:

Corrections have fulfilled some of the Recommendations by appointing Aboriginal Well-being Officers. Truth is that the appointment of those officers is not enough anyway and it has only just happened in the last two years or so. What about the rest of the time? Everyone knows that since the Royal Commission the numbers in correctional facilities has grown enormously (Metropolitan Melbourne).

I am the Aboriginal Liaison Officer based at [Regional town] and I have been here for ten years. When I first came here I was made aware of the Deaths in Custody Recommendations and the Department's response to comply and lift its game. I have noticed a dramatic improvement in the last ten years. For example, the number of Koories locked up for public drunkenness has decreased significantly (Regional Police station).

On a further positive note, the community acknowledged the important role of the IAJA, but acknowledged that it cannot do everything:

The Justice Agreement has made a difference [but] how does the government expect to fix up 200 years of problems with \$6m? It will take at least another 30 years before there will be any change at all. Society has a lot to answer for. This is not the way Aboriginal people were before (Metropolitan Melbourne).

Credit to [Director, Indigenous Issues Unit, DOJ] if it wasn't for the Victorian Aboriginal Justice Agreement then nothing would've happened at all (Metropolitan Melbourne).

On the other hand, some were clearly of the view that any progress to date was merely the result of pressure:

Corrections – they're only doing something now because it's being scrutinised. You need an ongoing review and need to keep all these agencies on their toes. The community deserves it! (Regional Victoria).

And Indigenous participation was cited as crucial:

We have VAYSAR and the Minister for Sport sees them as second fiddle. The Minister for Education accepts their responsibility more than any of them. They've had a greater relationship over the years but DHS still need to work with them to get them to accept their responsibility (Metropolitan Melbourne).

You need Aboriginal people involved in the monitoring of the Recommendations too (Metropolitan Melbourne).

There are Acts and Legislation in place already and it should give us more power to do the things we are talking about (Indigenous male prisoner).

You need Indigenous workers in the system to be able to monitor what's going on with the prisons ... These workers need to be independent of the system too so that they can report on exactly what is happening to us Koories in jail (Indigenous male prisoner).

We're happy to be asked to be involved and consulted about the Royal Commission ... At least it's not like it usually is with people doing things over the top of our heads (Metropolitan Melbourne).

A comment from Indigenous prisoners sums up the feeling in the community:

How have the families of those affected by deaths in custody progressed since that death? How are they coping? Has anybody bothered to find out about their lives and the impact made by that death? (Regional Victoria).

And then there were more questions for the Review, which expressed an underlying feeling of hope:

How much weight does the Review Report carry with government? ... I just hope that the report gets read by the right people in the right place and they are willing to take up the cause at that [government] level (Metropolitan Melbourne).

7.4 Review Comments and Recommendations

During the decade since the Royal Commission, general dissatisfaction at a national level has been expressed about implementation of the Royal Commission's Recommendations and the process of monitoring. Correspondence to the Social Justice Commissioner from Hewitt Whyman, Chairman, Binal Billa Regional Council, 13 December 1995 stated:

We are deeply dissatisfied with the performance to date by various government agencies ... There does not appear to be any process beyond monitoring to ensure that effective implementation takes place ... We seek clarification on whether: a) the Recommendations bind governments in any way; or b) the Recommendations agreed to by governments bind them in any way; or c) either a) or b) might be worth testing in a court of law as to whether their performance in implementation is adequate (Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner, 1996: 270).

Further, the *Social Justice Report 2001* (Aboriginal and Torres Strait Islander Social Justice Commissioner, 2001:16) considered that ... *this implementation process [begun 1992], while superficially extensive, has been spectacularly unsuccessful. The reporting process was fundamentally flawed ... Firstly, it did not result in accurate evaluations of progress at any level due to the lack of independence and evaluation in each annual government report.* The report noted that more of a public relations approach was adopted, involving ... *re-packaging existing programs ...* and that the de-centralised and retrospective nature of the government reporting process made ... *a critical examination of the [implementation] response meaningless ... [it does] not allow long-term planning* (ATSIC, 2001:18).

In this context the *Social Justice Report 2001* (Aboriginal and Torres Strait Islander Social Justice Commissioner, 2001) goes on to describe what Commissioner Dodson believed was needed when examining claims of implementation in 1996. He proposed a six stage implementation plan for implementation of the Recommendations by government departments; reviewing current activities; developing policies and programs; setting goals and targets; allocating responsibility for implementation; ensuring adequate communications and training supports; and establishing evaluation mechanisms. No such systematic approach should be ignored in Victoria.

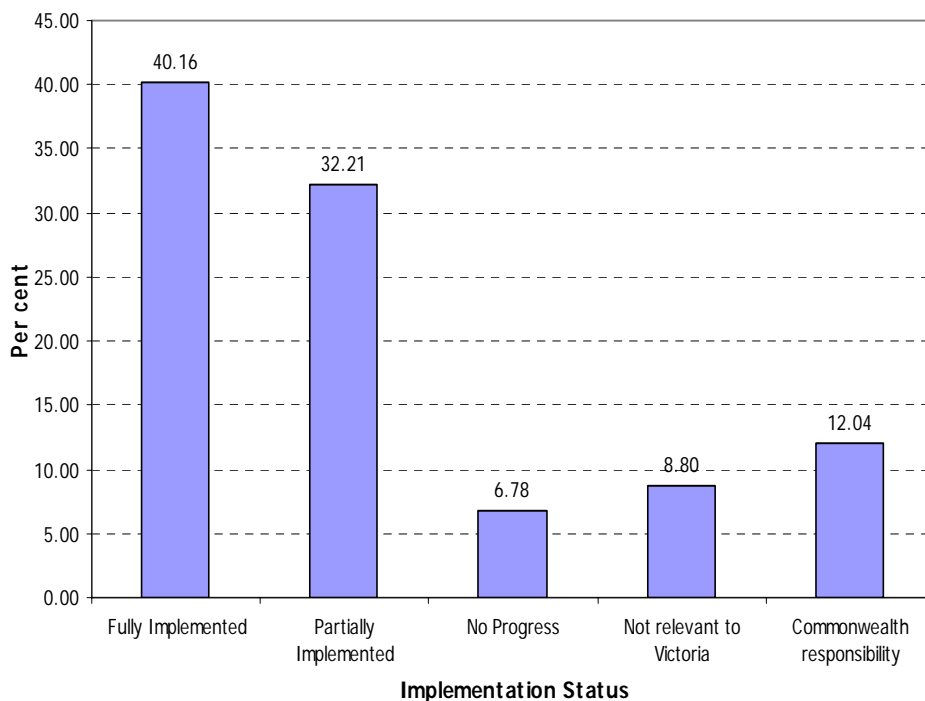
(a) Evidence of Implementation Progress

It has been difficult to chart Victoria's progress in implementing the Recommendations from the Royal Commission into Aboriginal Deaths in Custody. First of all, definitions of the implementation status of Recommendations have changed over the years, particularly with reference to categories such as *not relevant to Victoria*, and *no longer relevant*, used in this Review. Hence, although Recommendation by Recommendation reviews had been carried out in 1992 and 1995-96 – by extrapolation from the thematic approach adopted by AAV in 1996-97, and now again in 2003-04 – precise comparison across the different reviews is problematic.

In particular, it was at times difficult to ascertain whether change in implementation status was due to a change in policy, change in categories or real change as a result of the implementation of the Recommendation. Figure 3 has been derived from the implementation statuses provided by each government department. Where more than one implementation status was reported, the Review Team divided each individual Recommendation by the number of statuses that were given by a particular department or

agency. Where different statuses were reported for an individual Recommendation, for example, X(a) Fully Implemented X(b) Partially Implemented X(c) No Progress, the Review Team made a judgement as to what was the primary status for the individual Recommendation.

Figure 3: Implementation Status of Recommendations as Reported by Government Departments – 2003

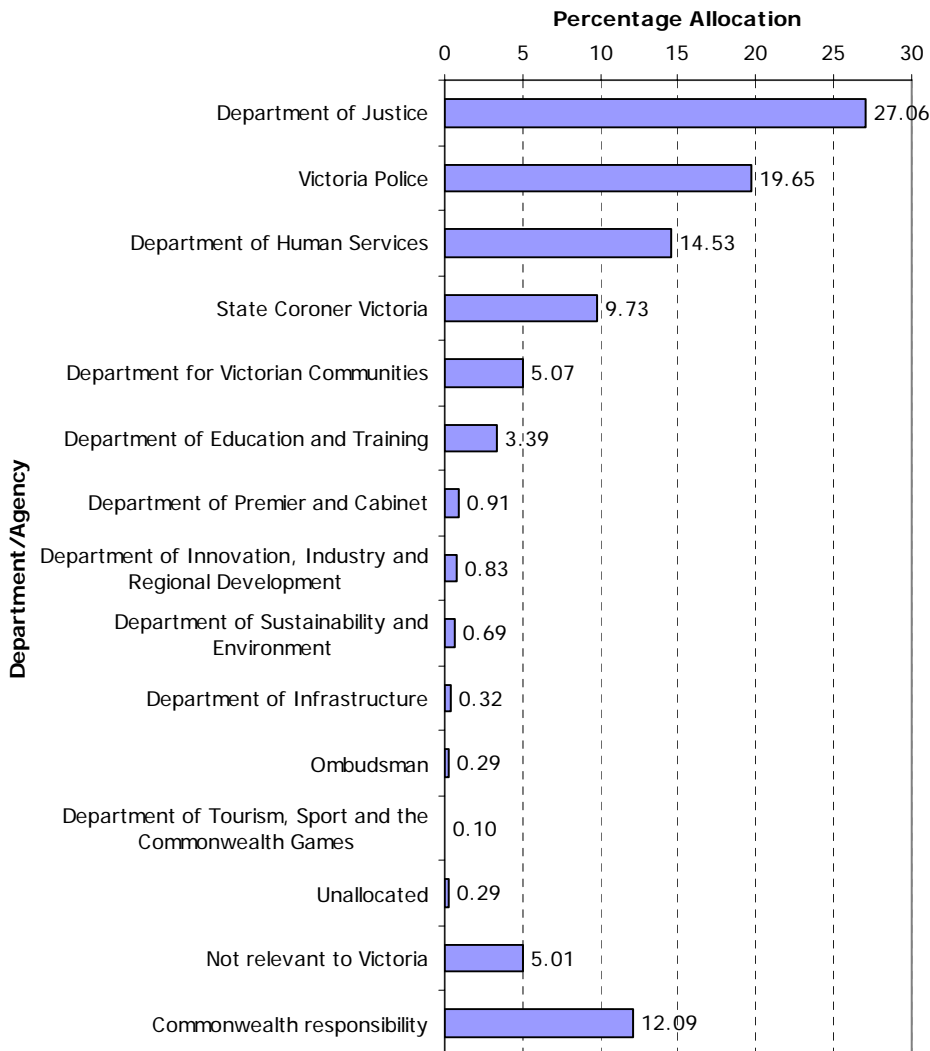


Source: Department of Justice (2004b)

The best that can probably be concluded is that since 1996-97, approximately 40 per cent of Recommendations are reported as fully implemented, while approximately 32 per cent are reported as partially implemented.

Other difficulties with statistical monitoring of progress include a lack of clarity as to the processes for allocation of responsibility between Victorian departments/agencies for ensuring implementation action has been taken and reported on. These processes were unclear before 2003 and the lack of clarity was compounded by the 2002-03 changes in the machinery and structure of Government. It remained a problem for the current Review. Where more than one agency was involved, the Review Team divided each individual Recommendation by the number of agencies/departments that were allocated to that particular Recommendation. The role of the Commonwealth, a clear lead agency for a number of Recommendations, was unassessed in terms of implementation progress by the current Review.

Figure 4: Royal Commission into Aboriginal Deaths in Custody allocated Recommendations by department as a percentage of all Recommendations (339)



Note: Percentages do not total 100 due to rounding.

Source: Department of Justice (2004b)

Whereas the Royal Commission was insistent that the underlying issues behind Aboriginal people coming into contact with the criminal justice system were the crux of the issue, paradoxically 27 per cent of implementation responsibility in terms of the number of Recommendations appears to have fallen to the Department of Justice, and 20 per cent to Victoria Police. Conversely, the other departments, arguably more centrally involved in policy making and program delivery pertaining to underlying issues, appear to have been responsible for 26 per cent of the Recommendations.

Such a conclusion, however ironic, is somewhat superficial because it rests on the assumption that all Recommendations are of equal significance or importance. This leads in turn to what is undeniably one of the other major problems with statistical monitoring of implementation on a Recommendation-by-Recommendation basis. Whatever the rate of self-assessed implementation, this reveals little or nothing about *what* has been achieved, *how* it has been achieved and with *what* outcomes. Self-assessment has been silent on what Aboriginal people themselves perceive and experience in terms of progress. More akin to the input/output model of monitoring data of an earlier management era, such data are silent on outcomes and, most importantly, on outcomes depending on inter-departmental, cross-sectoral co-operation. Consultations may be engaged in, policies agreed, committees established and programs activated, but just what has been achieved in terms of the social, economic, cultural and legal position of Indigenous Victorians?

Since the 2002-03 budgets, and as part of the *Growing Victoria Together* Strategy, the Victorian Government has been using outcomes to guide budget structures and processes (Adams and Wiseman, 2003). Moreover, as indicated earlier by AAV, there are plans for Victoria to adopt relevant elements of a national framework of outcomes-oriented performance indicators drawn from the *Overcoming Indigenous Disadvantage* report of 2003, produced for the Steering Committee for the Review of Government Service Provision at the request of the Council of Australian Governments (SCRGSP, 2003). Sitting beneath what will be a series of 'headline' indicators (SCRGSP cites, for example, life expectancy, educational retention rates and rates of imprisonment, among others) these performance indicators, in effect measuring social justice outcomes, may well come to overshadow the Recommendation-by-Recommendation approach to monitoring adopted for this Review. They will also be more appropriate to an integrated whole-of-government framework for dealing with Indigenous disadvantage (see Section 8 – Conclusions and Recommendations).

Whether such an approach will or should ever completely displace the monitoring of the implementation of specific Recommendations or address this Review's questions arising from this is another matter. In connection with both the administration of justice and the broader implementation of appropriate social policies in relation to Aboriginal peoples, there will remain quite explicit questions, issues and suggestions arising out of the Royal Commission Recommendations, and it will remain appropriate that they be directly monitored. For example, many such issues have been raised at other points in this Review, and there remains a strong possibility that the need for quite specific, agency, focused monitoring will remain, in tandem with the more outcomes-based whole-of-government approach being developed.

One final problem with the periodic Recommendation-by-Recommendation approach, coupled with statistical analysis of implementation status, is that it is neither ongoing nor independent. On the first of these scores, the Review Team rapidly became acutely conscious of the sheer scale of the complex multi-agency and multi-layered range of policy, administrative and program-related issues. This was a factor which severely curtailed the Review's capacity to achieve a desirable level of completeness, analysis and assessment in its work. Moreover, it became clear equally rapidly that the field of implementation of the Royal Commission's Recommendations was a constantly and sometimes rapidly changing landscape, with many new and ongoing initiatives, programs, reviews and evaluations emerging.

The inevitable outcome was that achieving finality, in the sense of an implementation snapshot that would accurately convey the current dynamic situation, became all but impossible. The overwhelming perception of the Review Team at the end of its appointed task was one of numerous reports and reviews needing to be followed up, of continuing changes and emerging initiatives needing to be checked and, perhaps above all, of the need

for some mechanism for ongoing monitoring of official responses to the Review's recommendations as well as those of the Royal Commission.

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 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.

(b) Reporting and Monitoring Processes

Recommendations 1(a) and 1(b) of the Royal Commission call for, among other things, an agreed state-level process of regular reporting, and for ATSIC to be given funding and responsibility for monitoring the progress of adopted Recommendations. The Review notes the clear and succinct account of the history of reporting provided by AAV, as well as the accountability implications implicit in the whole-of-government framework currently under discussion by that agency. It also notes, of course, that ATSIC no longer exists.

It is the considered view of the Review that in these circumstances, and given the above discussion of monitoring, the Government of Victoria should augment the appropriate, if essentially in-house, accountability arrangements emerging through the strategic whole-of-government framework currently under consideration, by creating an ongoing and independent monitoring capacity.

In view of the demise of ATSIC and the uncertainty over the role of the Commonwealth auspiced Social Justice Commission, the Royal Commission's requirements with regard to Victoria would best be achieved by the appointment of adequately resourced Aboriginal Social Justice Commissioner, charged with the task of reporting annually on progress with regard to implementation of both criminal justice and underlying influences aspects of the Royal Commission Recommendations. This position would report annually to both the Ministerial Committee chaired by the Premier, as envisaged in the *VAA* of 2000 and to an appropriately constituted peak body representing the Indigenous people of Victoria. Reports would encompass comments relating to both the implementation of specific Recommendations and to more outcome-focused performance indicators, as discussed earlier.

The title and powers to be conferred upon the Commissioner for Aboriginal Social Justice, with appropriate legislative basis, as well as the precedent for such an appointment, are further discussed at Section 8 – Conclusions and Recommendations.

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.

Role of the Commissioner:

- Prepare and report annually to the Parliament, State Government and the Indigenous community on the implementation, compliance and outcomes achieved in respect of the Royal Commission Recommendations and the Recommendations from this Implementation Review; and
- Research, advise, evaluate and report on matters involving Indigenous contact with the justice system.

Objectives of the Commissioner:

- Promote full implementation and compliance with the Royal Commission Recommendations and the Recommendations of the Implementation Review.
- Promote the Principles and Protocols of the *Victorian Aboriginal Justice Agreement*.
- Encourage the adoption of equitable practices and procedures by the justice system in respect of Indigenous Victorians.

Powers of the Commissioner:

- Make formal requests to Heads of Departments and Agencies for assistance and the provision of relevant information;
- Publish research, reports and information on issues relating to Indigenous contact with the criminal justice system; and
- Undertake investigations on matters referred by the Attorney-General.

Another necessary condition for reporting and monitoring is the availability of high-quality statistical information and improved data on Indigenous people. At least 15 Recommendations referring to this need are scattered throughout the Royal Commission Report, underscoring the importance of adequate data to ensure that Indigenous people are accurately identified in the relevant systems. The ABS has a key role to play and, as noted in the *Report on Government Service Provision: Indigenous Compendium 2004*, work is currently underway to develop and improve Indigenous data flowing from the government administrative systems. However, some important qualifications on the use of statistical indicators and benchmarks have been expressed by Aboriginal and Torres Strait Islander Social Justice Commissioner (2002: 101):

Statistics come with strings attached. They provide great power for clarity, but also for distortion. When based on careful research and method, indicators help establish strong evidence, open dialogue and increase accountability.

(c) Aboriginal Justice Advisory Committees and Secretariat Assistance

Recommendation 2 of the Royal Commission calls for the establishment of local, regional and state Aboriginal Justice Advisory Committees in each State, charged with providing advice on Aboriginal perceptions of criminal justice matters and, more broadly, on the

implementation of the Royal Commission's Recommendations. The Review notes the clear outline provided by AAV and IIU of the creation and activities of the VAJAC, the six RAJACs, the AJF and similar forums.

The Review also notes that these bodies are playing a key role in the switch from reporting on implementation progress to the development of jurisdictional and regional justice plans as the main response to the Royal Commission's Recommendations. The Review also examined the Regional Social Justice Plans prepared by the RAJACs and referred to in the AAV response.

The Review applauds the above partnership developments with regard to Indigenous participation in matters pertaining to criminal justice, but notes that the same element of ambiguity noted above with regard to the input of these bodies on broader issues of social disadvantage among Indigenous people still persists. It is not clear, for example, what part if any these bodies may be playing in the development of AAV's broader statewide framework, and in the evaluation processes related to its key strategic projects, despite the Royal Commission's emphasis on the wider social ramifications of its findings. Once again, the Review notes the need for clarification of the intersection between the functions of such bodies and other state-wide Indigenous bodies (such as PAAC) in the development of an integrated approach to addressing Indigenous social and economic disadvantage.

Recommendation 3 refers to the provision of secretariat assistance to State Justice Advisory Committees to help in the provision of informed advice and close monitoring of implementation. The Review notes the steps that have been taken in this respect with regard to the VAJAC secretariat.

The Review also observes, however, that if the proposal made above for the appointment of an independent Commissioner for Aboriginal Social Justice is accepted, it will be necessary to provide that office with an appropriate level of administrative and expert assistance for the performance of its functions. How the persons providing this assistance would relate structurally to the VAJAC secretariat would need to be spelled out in some detail, though a level of independence commensurate with that appropriate to the Aboriginal Social Justice Commissioner position itself would be appropriate.

(d) Uniform National Death in Custody Database Procedures and Methodology

The Review notes that the AIC publishes regular reports that allow for comparison of trends in Indigenous deaths in custody between jurisdictions (Recommendation 41) and over time. Section 4 has identified a number of issues in monitoring deaths in custody, and contains recommendations on these.

The Review notes the responses received to this Recommendation from Victoria Police, Corrections Victoria and Child Protection and Juvenile Justice (DHS) (in Section 6) regarding the establishment of the National Deaths in Custody Monitoring and Research Program in 1992 at the Australian Institute of Criminology (Recommendation 41), which was set up to provide comprehensive timely data from police, correctional services, juvenile justice and coronial services from jurisdictions on all deaths that occur in custody and custody-related operations.

(e) Development and Monitoring of Social Indicators

The Review notes and applauds the development of outcome-oriented social performance indicators around a number of priority action areas, as reported by AAV, although it assumes that the examples of the latter cited in the 2004 presentation to the Aboriginal Justice Forum are still open to consultation and negotiation (Recommendation 48).

Once again, the Review is also concerned that the relevance of the Royal Commission's Recommendations should not be perceived solely in terms of the specified strategic area of Justice, given the Commission's frequently repeated concern with broader issues relating to such matters as health, education, reconciliation, economic disadvantage etcetera.

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.

(f) National Surveys and Data Collection

The Review notes that the ABS has conducted and will continue to conduct Aboriginal and Torres Strait Islander National Surveys. The Review also notes that the Council of Australian Governments has endorsed the framework proposed by the Steering Committee for the Review of Commonwealth and State Service Provision for reporting against key indicators of Aboriginal disadvantage (Recommendation 49).

The Review also notes that the ABS results from the 2002 *National Aboriginal and Torres Strait Islander Survey (NATSISS)* were released in June 2004 (ABS catalogue number 4714.0). The survey was developed and conducted with extensive involvement of Aboriginal and Torres Strait Islander Australians and relevant organisations. This survey is part of an ongoing three yearly cycle of Indigenous household surveys. The 2004-05 *National Aboriginal and Torres Strait Islander Health Survey (NATSIHS)* is nearing completion of its field phase, with initial results to be released in 2006.

The ABS 2006 Census, like all censuses since 1986, is being supported by a special Indigenous Enumeration Strategy (IES), aimed at improving census awareness and field operations to facilitate effective enumeration of Aboriginal and Torres Strait Islander Australians in urban, regional and remote areas. The development of the IES is being guided by a special IES working group, which includes Indigenous experts and representatives from Indigenous organisations. Similarly, the ABS Indigenous household survey program involves extensive Indigenous consultation and participation through survey-specific reference groups and peak Indigenous bodies throughout its development stages. Implementation of census and Indigenous survey operations involve extensive awareness campaigns targeting Indigenous people, communities and organisations and direct consultation with local communities and Indigenous organisations to facilitate enumeration.

The Review Team classified Recommendation 50, pertaining to consultation processes over national censuses and other ABS and AIC data collection activities, as a Commonwealth responsibility and notes that the ABS is implementing this Recommendation.

(g) Aboriginal Participation and Control in Research

The Review notes that AAV intends to apply the Recommendation 51 requirements to its forthcoming research on family violence, but believes the intent of the Recommendation also applies to other areas of research.

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.

Monitoring the implementation of Recommendations presupposes that processes and responsibility for implementation have been established, and that governments are committed to these. A recurring finding in other implementation reviews suggests that this is not the case.³² In 1996, the then Aboriginal and Torres Strait Islander Social Commissioner, Mick Dodson, suggested six stages for monitoring change:

1. *Reviewing current activities;*
2. *Developing policies and programs;*
3. *Setting goals or targets;*
4. *Allocating responsibility for implementation;*
5. *Ensuring adequate communication and training supports the plans; and*
6. *Establishing evaluation mechanisms* (Aboriginal and Torres Strait Islander Commission, 1996: 257).

Rather than progress being a linear development in line with the findings of the Review, it is proposed that these six stages could be seen as circular, informing each other as the desired outcome is achieved, and new activities arise out of successful implementation. Then, perhaps, most implementation processes would not remain blocked in the first stage, as they currently appear.

Community experience, backed up by available statistical information, appears to contradict the Government's largely positive progress report. The effectiveness of the implementation process can most meaningfully be gauged by Mick Dodson's criterion: outcomes. This is an assessment reinforced in the *Social Justice Report 2001* (Aboriginal and Torres Strait Islander Social Justice Commissioner, 2001: 16): *We should not be facing a situation where rates of overrepresentation have worsened ... Deaths in custody have not been significantly reduced. The lack of concern and urgency from governments to rectify this is distressing ... This situation would not be tolerated if it occurred in the non-Indigenous community.*

The Review process itself had an enormous impact on the community and there are great expectations for its outcomes:

What youse have done by coming here and talking to us about the Royal Commission is that you've given us a ray of hope. We think that not much has changed since the Royal Commission 13 years ago but we hope that

³² See, for example, the AJAC (NSW) Reports on Implementation.

the Review will make a big change. The Review needs to be ongoing ... we are counting on that (Regional Victoria).

(h) Identification of Best Practice

Making monitoring of implementation an effective process demands constant vigilance to ensure that the actions being taken (which should be in compliance with the Recommendations of the Royal Commission), are in line with best practice experience from Victoria and elsewhere. Enhancement of program design and delivery through attention to best practice was specifically included in the Terms of Reference of the Review. The Review's comments on best practice are presented below.

A certain amount of caution is appropriate with regard to the best practice approach. It can all too easily come to depend upon the implicit assumption that the best way forward is by identifying 'what works', then taking this 'off the shelf', as it were, and deploying it in a different context. This assumption neglects the possibility that reportedly successful interventions may have depended heavily on local context, and may not be easily transferable to situations with different cultural, structural and other factors. There is also the problem that all too often, reported successes remain unclear in setting out the key intervening mechanism that worked to produce the good (or bad) outcome. More generally, evaluation is not sufficiently entrenched, even at the project level, to be able to respond to questions about what makes something work well.

That said, there has been considerable interest in this evidence-based approach for Indigenous peoples over recent years, and a number of successful interventions for Indigenous people have been reported.³³ A number of principles have also been proposed to assist in the identification and use of best practice, such as the Australian Human Rights and Equal Opportunity Commission's, *Best Practice Principles for the Diversion of Juvenile Offenders*.³⁴

Cunneen (2001b) also refers to the required fundamental elements of Indigenous programs that *enhance self-determination, that are holistic in their approach and that result in empowerment rather than dependency*. Thus, he identified best practice programs as being those which:

are developmentally appropriate, have meaningful involvement of Aboriginal people, are community based where possible, emphasise Aboriginal heritage, culture and law, focus on remediating educational deficits in the basic skills to raise competence, help develop market place work skills, leading to further training opportunities, qualifications and jobs and which assist in establishing and strengthening relationships with others who can become mentors and role models (Cunneen, 2001b: 3).

Other principles for best practice were proposed by the ATSIC Social Justice Commissioner (1999) from the perspective of human rights standards, and in particular included non-discrimination and equality before the law, recognition of cultural identity and the right to self-determination. Similarly, the *VAA* contains a set of principles which provide a sound guide to developing good practice interventions (Department of Justice, 2000).

³³ See for example, the Australian Institute of Criminology seminar on Best Practice Interventions in Corrections for Indigenous People, 2001

³⁴ These can be viewed at http://www.hreoc.gov.au/human_rights/briefs/brief_5.html

These general statements apart, the Review noted examples which, according to anecdotal reports and in the opinion of some respondents, appeared to demonstrate good practice. As one person from Regional Victoria observed:

The Murray River Marathon is a perfect example of best practice ... We had a young boy from [Regional town] who had never been spoken to properly by a police member before ... By the end of the Marathon, he was hanging around with the police and the rest of the time he was asking about what the police do and everything (Regional Victoria).

More examples, grouped according to whether they originate from Victoria or elsewhere, from within or outside Australia, were summarised by the Review. However, it was found that evaluations were in general not conducted, or not available for these examples, and information on them was often very limited in terms of impact and how the interventions were supposed to work to achieve the outcomes. Also, most of the examples cited were short term, one-off or of a pilot nature, thus giving little information on their sustainability in the longer term. Despite the essential element of caution that is needed in drawing conclusions from them, it is important that they should be given due consideration and, where possible, be rigorously assessed for their general suitability in the Victorian context as part of any monitoring framework.

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*.

