

Yoorrook Justice Commission



Witness Statement

Warning: Aboriginal people are advised that this outline contains references to Aboriginal people who have passed away.

Witness Statement

I, Enver Erdogan, Minister for Corrections, Minister for Youth Justice and Minister for Victim Support of 1 Treasury Place, East Melbourne VIC 3002, say as follows:

1. I provide this statement in response to Notice to Produce NTP-002-019 dated 30 March 2023 from the Yoorrook Justice Commission (**Commission**).
2. I make this statement in my capacity as the Victorian Government Minister for Corrections, Minister for Youth Justice and Minister for Victim Support.
3. In preparing this statement, I have consulted with subject matter experts within the Department of Premier and Cabinet and the Department of Justice and Community Safety (**DJCS**). I have also read and had regard to:
 - 3.1 the Whole of Victorian Government submission - Response to critical issues in the criminal justice system dated 17 March 2023 (WoVG submission);
 - 3.2 the Witness Statement of the Hon. Gabrielle Williams, made in her capacity as Minister for Treaty and First Peoples, dated 3 May 2022; and
 - 3.3 the response provided to the Commission on behalf of the DJCS (**DJCS Agency Response**).
4. This outline should be read alongside, and is intended to complement, the DJCS Agency Response.
5. The opinions I express in this statement are informed by these documents and consultations and by my own professional experience and my observations as Minister for Corrections, Minister for Youth Justice and Minister for Victim Support.
6. Due to the size of my statement, I have included an acronym table for assistance with the terms used throughout my statement, attached at **Appendix A**.
7. Throughout this statement, I use the term Aboriginal to respectfully refer to Aboriginal and Torres Strait Islander people. This is in accordance with the preference of the Aboriginal Justice Caucus (**AJC**), a key Aboriginal community

Signature		Witness	
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partner of DJCS and the Government. I use other terms, such as Koori and First Peoples, where it is used in the name of a program, initiative, or organisation.

Part A. Acknowledgment

8. I acknowledge the Traditional Owners of the lands and waters on which I live and work, the Wurundjeri People of the Kulin Nations, and pay my respects to their Elders past and present. I also acknowledge the Traditional Owners of Country across our entire State and acknowledge that sovereignty was never ceded.
9. I acknowledge the injustices that Aboriginal Victorians have suffered, and continue to suffer, because of the colonisation of Victoria. The colonisation of Victoria dispossessed the Traditional Owners of the lands and waters of Victoria. Its far-reaching and intergenerational consequences touched every aspect of their customs, culture, traditions, lore and law. Colonisation was marked by the creation of institutions, including the criminal justice system, that were tools of this dispossession, inflicting violence and trauma on Aboriginal people. I acknowledge that the impacts of colonisation are profound, ongoing and are continuing to play out today in Aboriginal peoples' interactions with, and experiences of, the criminal justice system.
10. I also acknowledge that Aboriginal people are over-represented as victims of crime but under-represented when it comes to accessing victim support services. The justice system can be overwhelming and has the potential to be re-traumatising for many victims of crime. Aboriginal victims face additional barriers to police engagement and reporting, participating in police investigations, navigating courts processes, and accessing support services, due to the ongoing impacts of colonisation and associated harm. There is also a clearly established link between being a victim of crime leading to further contact with the criminal justice system.
11. Most Aboriginal people never have and never will have direct contact with the criminal justice system. Nevertheless, I acknowledge the harm caused to Aboriginal people by the criminal justice system in Victoria. The criminal justice system, and particularly its use of custodial penalties, was a tool of colonisation, disrupting Aboriginal people's connection to Country, language, culture and family. Deprivation of liberty and culturally unsafe custodial environments caused, and continue to cause, intense intergenerational and widespread harm to Aboriginal people.
12. I acknowledge the strength and resilience of the Aboriginal peoples of Victoria, who, in the face of the historical and ongoing injustice caused by colonisation, continue to practice their living cultures and traditions. I have met with many Aboriginal Community stakeholders and their stories have underscored the importance of the Commission. I recognise the lived-experience evidence given throughout the Commission hearings of racism, institutionalisation and inhumane treatment and the intergenerational impacts of the criminal justice system on Aboriginal people and their families. I acknowledge the courage of all those who have shared their experiences with the Commission and with me.

13. Despite the numerous inquiries, reviews and recommendations since the 1991 Royal Commission into Aboriginal Deaths in Custody (**RCIADIC**), and years of policy reform, the ongoing legacy of colonisation means that Aboriginal people continue to be over-represented in the criminal justice system. This over-representation perpetuates the intergenerational consequences of colonisation. Addressing the causes of this over-representation requires significant change.
14. The RCIADIC found that the most significant contributing factor to this over-representation is the disadvantaged and unequal position in which Aboriginal people find themselves in society — socially, economically and culturally.¹ The Government recognises that the inequality still experienced today by Aboriginal people is a product of the systemic injustices brought about by colonisation and its ongoing effects, including through the imposition of the colonial system of criminal justice. Whole-of-government and community-led responses are necessary to address the underlying drivers of over-representation, and to intervene prior to contact with the criminal justice system. Much of this work must therefore take place outside the criminal justice system.
15. However, as the RCIADIC also found, the way that Aboriginal people are treated when they encounter the criminal justice system is another critical factor in the over-representation of Aboriginal people in the system. I acknowledge that historically, Aboriginal people in the custody of the State have not been treated in a way that recognises and responds to the intergenerational impacts of systemic injustices, is culturally appropriate and safe, or promotes self-determination. I acknowledge that a lack of custodial and transition supports, such as drug and alcohol programs, housing, health care and employment, contributes to a high risk of reoffending. I recognise that the corrections and youth justice systems have an important role to play in addressing over-representation and ensuring just treatment and better outcomes for Aboriginal people in Victoria.
16. In particular, the State has a duty to ensure that Aboriginal people who come into contact with the corrections and youth justice systems are treated in a way that recognises and responds to the intergenerational impacts of systemic and structural racism, is culturally appropriate and safe, and promotes self-determination. I recognise that this has not always been the case, and is not always the case now, and that more needs to be done to ensure that the corrections and youth justice systems are culturally appropriate and safe for Aboriginal people.
17. We must do better to reform the criminal justice system and improve justice outcomes under the Aboriginal Justice Agreement (**AJA**) now, and through the treaty process with Aboriginal peoples into the future. Meaningful and effective reforms must be guided by the expertise of the AJC, and supported by the Regional Aboriginal Justice Advisory Committees (**RAJACs**) and the many leaders, Elders and members of Aboriginal communities across Victoria. This approach recognises that Aboriginal experiences and voices must be at the centre of decision-making to

¹ Royal Commission into Aboriginal Deaths in Custody (RCIADIC). 1991 [1991 AURoyalC1], '1.7.1 Reducing the number of Aboriginal people in custody the fundamental question – Empowerment and Self-Determination'.

deliver better policies and programs that reflect community needs and aspirations. This is critical to moving beyond partnership and towards true self-determination.

18. A specific initiative of the AJA designed to enhance oversight of the criminal justice system by Aboriginal people is the Aboriginal Independent Prison Visitors Scheme, which sees respected Elders and community members visiting prisons and providing independent and objective advice to the Minister for Corrections on the operation of Victoria's prison system. Previously overseen by Justice Assurance and Review Office (**JARO**), management of the scheme transitioned to the Aboriginal Justice Group on 1 February 2023. There are currently seven Aboriginal Independent Prison Visitors.
19. The Government is committed to reforming current criminal justice systems and to creating new systems that will continue the work undertaken through successive phases of the AJA to heal and grow the relationship between Aboriginal people and the State. This will take time, and must be done in a way that balances the sometimes competing objectives and priorities within my Portfolios, within the criminal justice system more broadly, and across Government – but it must be done and the work must start now. It also must be done in partnership with Aboriginal People, in a way that facilitates self-determination through Aboriginal-led initiatives, consistent with the Government's commitment to Treaty. The guidance and wisdom of this Commission, and the voices heard throughout it, will be critical in the reform process.

Part B. Overview of portfolio responsibilities

20. I have been a Member of the Victorian Legislative Council since August 2019.
21. I was appointed Minister for Corrections, Minister for Youth Justice and Minister for Victim Support on 5 December 2022.
22. As Minister for Corrections, my principal portfolio responsibilities include the management and oversight of correctional facilities and processes, community-based services, the delivery of health services to people in Victoria's prisons through Justice Health, parole orders, transfer of prisoners and post-sentence management of serious offenders.
23. As Minister for Youth Justice, my principal portfolio responsibilities include the statutory supervision of children and young people in custody and in the community, the management and oversight of youth justice facilities and processes, funded programs and services delivered in custody and in the community, including culturally specific programs and criminogenic programs, early intervention and diversion services and programs, and the oversight and delivery of health and mental health services for children and young people in youth justice custody.
24. As Minister for Victim Support, my principal portfolio responsibilities include the management and oversight of services for victims of crime including the Victims of Crime Helpline, the Victims Assistance Program, the Victims Register, the Child Witness Service and the Intermediary Program. Funding for Aboriginal Engagement Workers within the Victim Assistance Program is a key mechanism for engaging with

community, and providing culturally safe case management support so that the unique needs of Aboriginal victims of crime can be addressed.

Part C. Summary of Response to the Commission

25. I understand that the Commission has provided a list of questions for the State to address for the purposes of the hearings related to the criminal justice system and the child protection system. My evidence is directed to those questions relevant to my portfolio responsibilities, which fall into the following topics:
 - 25.1 the State's response to the recommendations of the Final Report of the **RCIADIC** and the Coronial Inquest into the Passing of Veronica Nelson (**Veronica Nelson Inquiry**), in so far as they relate to my portfolio responsibilities (addressing the Commission's Question 120 (in so far as it relates to these two inquiries) and 126) (**Part D**);
 - 25.2 the State's response to other reviews and inquiries related to the experience of Aboriginal people in contact with the justice system, namely the Cultural Review into the Adult Custodial Corrections System and the Parliamentary Inquiry into the Criminal Justice System, in so far as they relate to my portfolio responsibilities (addressing the Commission's Question 120 (in so far as it relates to these reviews)) (**Part E**);
 - 25.3 reform of the youth justice system (addressing the Commission's Questions 135 (in so far as it relates to the minimum age for incarceration and transfers to adult prisons) and 139 and providing some additional information) (**Part F**);
 - 25.4 the accessibility and adequacy of diversionary and community-based sentencing options for Aboriginal people across the Corrections and Youth Justice systems (addressing the Commission's Question 163) (**Part G**); and
 - 25.5 access to and adequacy of custodial healthcare services for Aboriginal people and their cultural appropriateness (addressing the Commission's Questions 181-182) (**Part H**).
26. I have also made some concluding remarks in **Part I**.

Part D. Aboriginal deaths in custody

27. I acknowledge the Aboriginal people who have died in State custody, and their families and communities. I acknowledge that the State is responsible for Aboriginal deaths in custody, and that many of these deaths were a direct result of critical and unacceptable issues within our institutions. Deaths in custody take place away from family, community, culture, and Country. They often take place alone, in a disempowering situation. I acknowledge and apologise on behalf of the State for the profound grief and trauma those deaths have caused.

28. It is unacceptable that, more than 30 years since the publication of the Final Report of the RCIADIC and despite the significant work done over that time, Aboriginal people continue to be over-represented in custody and continue to die in custody in Victoria. I acknowledge that, since the RCIADIC, 32 Aboriginal people have died in State custody, 22 of whom have died in prison and 10 of whom have died in police custody.
29. I personally and as a Minister of this Government am committed to addressing the systemic injustices that result in Aboriginal people bearing the burden of disproportionate contact with the criminal justice system – which also perpetuates intergenerational injustice. Our aim is to eliminate the over-representation of Aboriginal people in the criminal justice system and to prevent deaths in custody. Although there have been no Aboriginal deaths in youth justice custody in Victoria since the RCIADIC, the aim of the Government's youth justice strategy, as I explain below in section F, is to prevent Aboriginal children or young people being in custody at all. We need to do more, in partnership with the Aboriginal community, to divert Aboriginal children, young people and adults from the damaging effects of contact with the criminal justice system in the first place.

RCIADIC recommendations (Question 120²)

30. The monitoring of the State's implementation of the recommendations of the RCIADIC is described in more detail in section 6 of the DJCS Agency Response. I do not repeat that description, but instead provide a summary of the key points in response to the Commission's question relating to recommendations that have not been fully implemented.
31. The primary vehicle in Victoria for addressing the findings and recommendations of the RCIADIC is the AJA, which was first developed in 2000. The AJA represents a continuing, 23 year partnership between the State and the Aboriginal community, built upon a mutual commitment to improving justice outcomes, family and community safety, and reducing the over-representation of Aboriginal people in the criminal justice system. Currently in its fourth iteration (*Burra Lotipa Dunguludja* –

² (120) In the case of any recommendations identified in paragraph (118) or (119) which have not been implemented, or have not been fully implemented, provide: (a) an explanation of the reasons; and (b) details of any ongoing and/or planned further actions.

The recommendations identified in paragraph (118) are the following recommendations made by the RCIADIC relating to Victoria: (a) the Criminal Justice System: Relations with Police (R60-61); (b) Young Aboriginal People and the Juvenile Justice System (R62); (c) Diversion from Police Custody (R79-90); (d) Imprisonment as a Last Resort (R92-120); (e) Custodial health and safety (R122-167); (f) the Prison experience (R168-187); (g) the Path to self-determination (R188 – 204); (h) Improving the Criminal Justice System: Aboriginal People and Police (R214-233); and (i) Breaking the Cycle: Aboriginal Youth (R234-245).

The recommendations identified in paragraph (119) are recommendations of: (a) the Australian Law Reform Commission (**ALRC**) *Pathways to Justice report - Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (ALRC Report 133) (2017); (b) Parliamentary Inquiry into the Criminal Justice System (2022); and (c) Cultural Review of Correctional Services (2023).

Yorta Yorta for 'Senior Leaders Talking Strong'), the AJA has led to the planning, implementation and monitoring of a range of justice initiatives and programs aimed at reducing over-representation and improving the experience of Aboriginal people that do come into contact with the criminal justice system.

32. As explained in the DJCS Agency Response at paragraphs 208-209, the AJA marked a move away from a recommendation by recommendation-based approach to implementation and monitoring of RCIADIC recommendations, to developing and prioritising the criminal justice reforms agreed with the Victorian Aboriginal communities, represented through the AJC.
33. The AJC is a self-determining body, which has been in existence for 18 years and represents the voices and issues of Aboriginal communities and the Aboriginal community sector. It is comprised of representatives from Aboriginal Community Controlled Organisations (**ACCOS**), Aboriginal peak bodies and the Chairs of the nine RAJACs. The State and the DJCS formally liaise with the AJC through the Aboriginal Justice Forum (**AJF**), which meets three times a year. Caucus brings Aboriginal community leadership and Aboriginal voices to the forefront of justice policy in Victoria.
34. The development of actions under successive phases of the AJA is informed by the recommendations of the RCIADIC but also utilises findings from more contemporary reviews and reports, as well as the lived experience of AJC members and the communities they represent.
35. As explained in the DJCS Agency Response at paragraphs 221-228, there have been two reviews of implementation of the RCIADIC recommendations: one in 2005 by the Victorian Government and the AJF, and another in 2018 by Deloitte Access Economics, engaged by the Commonwealth Department of Prime Minister and Cabinet. I understand that the latter review has been the subject of criticism, which is discussed in the DJCS Agency Response.
36. In response, the Government has funded the AJC to undertake an independent and Aboriginal-led review of Victoria's implementation of the recommendations of the RCIADIC. That review commenced in August 2022 and is currently expected to be delivered by January 2024. It will provide an up-to-date picture of Victoria's progress towards achieving the objectives of RCIADIC, informed by the lived experience of Aboriginal people. I thank the AJC for undertaking this important work.
37. The AJC review takes place in the context of the Government's commitment to the justice targets agreed to in 2012 to reduce the over-representation of Aboriginal people across the criminal justice system and to close the gaps between the rates of Aboriginal people and non-Aboriginal people in custody and under justice supervision in the community, in both youth and adult cohorts, by 2031. These targets are broader and more ambitious than those in the National Agreement on Closing the Gap.
38. I accept that, despite the progress made through the AJA, more work is needed to prevent Aboriginal deaths in custody. Work will continue under the AJA and through

the Government's response to the recommendations of the Veronica Nelson Inquiry and the Cultural Review into the Adult Custodial Corrections System, as well as the AJC review and this Commission. The Government's response to these inquiries and reviews will be developed in consultation with the Aboriginal community and will facilitate the realisation of Aboriginal self-determination in the criminal justice system through Aboriginal-led initiatives.

Coronial Inquiry into the Passing of Veronica Nelson (Question 126³)

39. Veronica Nelson was a proud Gunditjmara, Dja Dja Wurrung and Yorta Yorta woman who was loved by her family and community. I am deeply sorry for what happened to Veronica and the pain and suffering she experienced in custody. I want to acknowledge her loss, and the hardship and trauma caused by her passing. I thank Veronica's family, particularly her mother Aunty Donna Nelson and her partner Percy Lovett, and community for their strength in advocating for reform to ensure that Victoria's custodial settings are culturally safe and respectful and to prevent future deaths in custody.
40. I acknowledge that the Coroner found Veronica's passing could and should have been prevented and I accept and agree that we must do better.
41. The Coroner also observed that, since the RCIADIC recommendations, there has been 'too much policy, and not enough change' and that there is an urgent need for widespread change to our criminal justice system. Past policy reform has not achieved the sustained and systemic changes required to reduce the over-representation of Aboriginal people in the criminal justice system and to provide a culturally safe custodial environment. There is an urgent need for reform of the current custodial justice system to combat the ongoing systemic injustice experienced by Aboriginal people.
42. I assure the Commission and the people of Victoria - particularly Aboriginal people in Victoria - that the Government is committed to making significant changes to our criminal justice systems in partnership with the Aboriginal community. The Government is carefully considering the findings and recommendations of the Veronica Nelson Inquiry and is due to provide its response to the Coroner in April 2023. The elements of the response will be informed by targeted consultation with AJC, to be followed by close engagement with AJC as implementation planning progresses.
43. The Coroner made 22 recommendations relevant to custodial health services (recommendations 18-29) and Corrections Victoria (recommendations 33-39). Work is already underway to address the issues raised by these recommendations.

³ (126) Explain what the State intends to do to in response to the recommendations of the Nelson Report, particularly relating to: (a) legislative change (R3-6); (b) Victoria Police (R7-12); (c) Custodial Health, Custodial Policy and Custodial Health Services (R18-29); and (d) Corrections Victoria (R33-39).

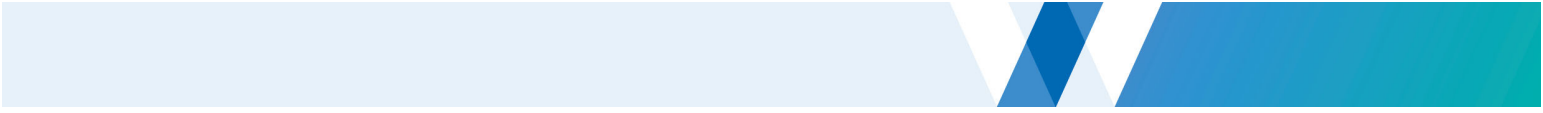
44. In particular, in relation to the recommendations relating to custodial health services (in particular recommendations 19, 21, 26-29 and 34), significant work is underway to improve outcomes for Aboriginal people in custody in relation to custodial policy and health services, including the new primary health services specification and delivery model taking effect on 1 July 2023 (which includes Cultural Safety Health Standards as part of the new Health Service Quality Framework). I discuss these matters in section H of this statement.
45. In relation to those recommendations relating to the practices of Corrections Victoria (in particular recommendations 33 and 35-39), work is already underway on two relevant reforms. First, a new internal investigation approach will combine the Justice Health and JARO review processes into a single investigation and a joint comprehensive and informed report rather than separate (and sometimes conflicting) reports and recommendations. The new approach adopts key aspects of Safer Care Victoria's adverse event process and will ensure any recommendations for change identified in response to deaths in custody consider both health and operational perspectives. It aims to support timely identification of actions necessary to prevent or reduce the likelihood of further deaths in custody by streamlining the process and facilitating a more comprehensive investigation.
46. Second, work is progressing to establish a 20-bed Aboriginal Healing Unit at the Dame Phyllis Frost Centre, which is on track to be opened in the coming months. It aims to better support Aboriginal women in custody through healing and rehabilitation in a culturally safe way. The Healing Unit is described in further detail in the DJCS Agency Response at paragraphs 102-103.

Part E – Response to other reviews and inquiries related to Aboriginal people in contact with the justice system (Question 120⁴)

Cultural Review of the Adult Custodial Corrections System 'Safer People, Safer Prisons, Safer Communities' (the Cultural Review)

47. The Cultural Review into the Adult Custodial Corrections System is the most recent comprehensive and relevant report which addresses the safety and wellbeing of people in adult custody in Victoria, including in particular the wellbeing and cultural safety of Aboriginal adults in custody. This Review was commissioned in 2021, when the Victorian Government established an independent Expert Panel to examine and provide recommendations on culture, wellbeing, safety, inclusion, and integrity within Victoria's adult custodial corrections system.
48. The Cultural Review spanned both public and private prisons and had two streams of inquiry:

⁴ (120) In the case of any recommendations identified in paragraph (118) or (119) which have not been implemented, or have not been fully implemented, provide: (a) an explanation of the reasons; and (b) details of any ongoing and/or planned further actions. The recommendations identified in paragraphs (118) and (119) are set out at footnote 2 above.

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- 48.1 **Stream 1 – Custodial staff** which was focused on ensuring the wellbeing, capability, and safety of staff; and
 - 48.2 **Stream 2 – People in custody** which focused on the safety (including cultural safety), for people in custody.
 - 49. The Cultural Review had a particular focus on the experiences and treatment of Aboriginal people within the custodial system across both streams of the inquiry.
 - 50. Within the first stream the Cultural Review was asked to consider:
 - 50.1 options to drive cultural change and promote appropriate behaviour that is consistent with a culturally safe and integrity-based corrections system, including options to address workforce skills and key capabilities (including leadership capability); and
 - 50.2 measures to ensure appropriate and effective cultural support for Aboriginal staff.
 - 51. Within the second stream the Cultural Review was asked to consider:
 - 51.1 whether systems and processes in prisons ensure that Aboriginal people in custody have the right to access and continue to practice Culture, are free from discrimination, and are consistent with Aboriginal self-determination; and
 - 51.2 the effectiveness and appropriateness of DJCS systems and processes to support the safety of people in custody (noting issues experienced by particular cohort groups such as women, Aboriginal people, LGBTIQ+ people, people with disability, elderly individuals and people from a CALD background).
 - 52. To ensure Aboriginal voices were represented in the findings of the Cultural Review, extensive consultation was undertaken with Aboriginal people in prison. There was also Aboriginal representation on the expert panel, by Auntie Jill Gallagher, who is the CEO of the Victorian Aboriginal Community Controlled Health Organisation (**VACCHO**).
 - 53. A total of 1,716 people participated in the Cultural Review, including 50 focus groups with 397 participants, and 14 yarning circles with Aboriginal people. The Review received 455 individual submissions from staff and people in custody, 34 submissions from system stakeholders, and evidence from 215 confidential interviews. In total, 212 Aboriginal participants shared their experiences.
 - 54. The Cultural Review, was delivered to the Government in December 2022. The Cultural Review identified significant cultural, integrity and safety issues across the adult custodial system, including issues with systemic racism and discrimination, Aboriginal cultural safety and staff conduct. I acknowledge the findings of the Cultural Review that the systems and processes within the adult corrections system continue to amplify the impacts of colonisation, intergenerational trauma and

systemic racism, and perpetuate the over-incarceration of Aboriginal people. I am committed to addressing these long-standing issues, to embedding principles of self-determination within the corrections system and to achieving the long-term outcomes identified by the Cultural Review.

55. The Cultural Review's findings and recommendations are structured around five themes – Systems, Workforce, Conduct, Aboriginal cultural safety, and People in custody – recognising the complexity of the Corrections system and its continuing transition "shifting from an operational model focused on security to one that attempts to balance more therapeutic engagement with people in custody with the ever-present need to uphold community safety". Implementation of the Review's recommendations would constitute the most significant and wide-ranging reform to the corrections system in decades, requiring fundamental changes to the way we deliver custodial services in Victoria.
56. As stated in its response to the Cultural Review, the Government supports the direction of the reform set out in the Cultural Review and acknowledges the long-term changes and future investment required to ensure our prisons, people and communities are safe. Work on implementing a number of the recommendations has started or will commence this year. In particular:
 - 56.1 DJCS, in partnership with the AJC, has developed an Aboriginal Employment Policy which will inform the development of an Aboriginal Workforce Strategy (recommendation 5.13) and work is already underway to improve the attraction and retention of Aboriginal Wellbeing Officers (**AWOs**) and provide better support for them. This includes the appointment of four Aboriginal Engagement Advisors in each region to assist the AWOs to perform their roles (recommendations 5.12, 5.15).
 - 56.2 Corrections Victoria will establish and appoint an Assistant Commissioner for Aboriginal Services as a new senior leadership position reporting to the Commissioner (recommendation 5.4).
 - 56.3 DJCS will review all position descriptions, contracts and performance measures to incorporate principles of cultural safety that are specifically tailored to the roles and responsibilities of the relevant staff (recommendation 5.1). In the immediate term, DJCS has partnered with Not Just a Consultancy (**NJAC**), an Aboriginal consultancy, to deliver Aboriginal cultural safety training to all custodial staff working at the DPFC. That training is underway and will continue throughout the year.
 - 56.4 DJCS will review all prisons to assess the suitability of available cultural spaces for Aboriginal people in custody (recommendation 5.7). In this context, I note that the Aboriginal Healing Unit at the DPFC will open later this year to provide culturally safe rehabilitation support to Aboriginal women in custody, as I have mentioned above. All staff at the new Healing Unit will complete cultural safety training.

- 56.5 As discussed in Section H below, the new health services specification to be introduced from 1 July 2023 will, amongst other initiatives, involve the transition to public health providers at DPFC and Tarrengower Women's Prison (recommendation 6.13) and the implementation of a regular health check for Aboriginal people in custody consistent with the Medicare Benefit Scheme item 715 (recommendation 5.9(a)). Work is also underway to introduce stronger mental health and wellbeing services (recommendation 6.12); and
- 56.6 Work will continue to reduce strip searching practices and to provide clearer guidance on the use of separations as part of the Separation Reform Project (recommendation 4.6). I discuss the work that has been done in the context of the youth justice system below.
57. Many other recommendations will be the subject of detailed engagement and consideration, including consultation with Victoria's Aboriginal community. This work – along with the work and recommendations of the RCIADIC, other reports and Inquiries addressed in this Statement, and the Commission – will inform detailed consideration, planning and implementation over the short, medium and long term. Three aspects of this work in particular will guide the transformation of our corrections system over the next decade.

Workforce

58. The Cultural Review identified the importance of the workforce – including its culture, capability and support systems – in delivering a modern, safe, culturally safe, and effective system. The Cultural Review also noted that transformative cultural reform will take time, leadership and enduring commitment.
59. The Government and DJCS will consult with corrections workers and their representatives, along with other stakeholders, to develop a corrections workforce strategy. As part of this work, DJCS will analyse training and recruitment models in other jurisdictions and uniformed professions, including options for establishing a Centre for Correctional Practice to inform future government decisions. Additionally, a new senior leadership role – Assistant Commissioner Workforce and Integrity – will be established within Corrections Victoria to provide operational leadership in workforce, integrity and cultural reform.
60. This work will build on work that the DJCS, in partnership with the AJC, has already undertaken to develop an Aboriginal Employment Policy, which will inform the development of an Aboriginal Workforce Strategy (recommendation 5.13) as part of the overall workforce strategy.

Aboriginal cultural safety

61. The Cultural Review made a number of recommendations to strengthen the cultural responsiveness of the corrections system, to better support Aboriginal staff and Aboriginal people in custody. It did so grounded in the history of the Corrections

system acknowledged above, and reiterating what previous reviews and inquiries have found.

62. In addition to actions already underway, the Government and DJCS will work with Aboriginal communities and stakeholders – including the AJC, First Peoples' Assembly, and Aboriginal legal, health and justice organisations – to deliver meaningful change as part of our ongoing commitment to the AJA phase four, Burra Lotjpa Dunguludja (**AJA4**), the Commission, and the Treaty process.

Legislative review

63. The Cultural Review identified the need for a clear and shared purpose for the Corrections system that reflects principles or objectives of a contemporary custodial system – including a focus on rehabilitation, safety, and human rights, including cultural rights and the principle of self-determination for Aboriginal people.
64. The Government has tasked DJCS to review the current legislative framework and engage with staff, people in custody and key stakeholders to consider opportunities to modernise it. This review will also consider the range of recommendations for legislative change or those dependent on a new legislative framework. Consistent with the AJA, Aboriginal voices will be a critical input to this legislative review.

Parliamentary Inquiry into the Criminal Justice System

65. On 3 June 2020, the Legal and Social Issues Committee was directed by the Victorian Parliament's Legislative Council to inquire into various issues associated with the operation of Victoria's justice system, including:
 - 65.1 an analysis of factors influencing Victoria's growing remand and prison populations; and
 - 65.2 strategies to reduce rates of criminal recidivism.
66. The report, which was tabled on 24 March 2022, made 100 recommendations, 21 of which are specific to the Corrections portfolio, including recommendations 80, 90 and 96 which specifically refer to First Peoples. These 21 recommendations can be grouped into several themes:
 - 66.1 rehabilitation and reintegration;
 - 66.2 custodial operations, including cultural safety and healthcare;
 - 66.3 meeting the needs of vulnerable groups, including First Peoples and people with disabilities,
 - 66.4 legislative reform; and
 - 66.5 oversight and accountability.
67. The Government is actively considering the recommendations of the Parliamentary Inquiry. This is part of ongoing consultation and work to reform the justice system.

The Attorney-General is leading the response on behalf of the Government. Until it is finalised, the Government's response to the Parliamentary Inquiry is more appropriately addressed by the Attorney-General.

68. Six recommendations are directly linked to the Youth Justice portfolio. Some of these recommendations require legislative change, for example, recommendation 10 relating to the minimum age of criminal responsibility. Work relating to this particular recommendation is being led by the Attorney-General. Other recommendations cover the operation of court based diversion programs and progress on implementing recommendations of past reviews relating to Victoria's youth justice system, amongst other matters.
69. In so far as the recommendations concern the cultural safety and wellbeing of Aboriginal people within the adult custodial corrections system, they raise issues which have also arisen in the context of the Cultural Review and which, as I have explained above, will be addressed as part of the implementation of the Government's response to that review. For example, the Parliamentary Inquiry recommended an increase in the number of AWOs employed in Victorian prisons (recommendation 80). This recommendation aligns with recommendations made as part of the Cultural Review. As stated above, work is already underway to attract, retain and better support AWOs, including through the appointment of four Aboriginal Engagement Advisors in each region to assist the AWOs.

Pathways to Justice report – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples

70. This report was prepared by the ALRC and the Victorian Government has not formally responded to it. However, the recommendations relevant to the corrections system in particular relate to issues that have arisen in the context of other inquiries and reviews, such as providing the necessary programs and supports to facilitate the successful completion of community-based sentences by Aboriginal people, and providing culturally appropriate programs for rehabilitation and reintegration of Aboriginal men and women in prison (see recommendations 7-3, 9-1 and 11-1). These issues are being addressed, and will continue to be addressed, as part of work being undertaken by the Government in response to the RCIADIC, the Veronica Nelson Inquiry, the Parliamentary Inquiry and the Cultural Review (as discussed above and in section G below).

Part F: Reform of the Youth Justice system – addressing over-representation of Aboriginal children and young people in Youth Justice

71. I acknowledge that Aboriginal children and young people remain over-represented in Victoria's youth justice system, and that this perpetuates intergenerational impacts of systemic injustices.
72. In 2012, the DJCS committed to close the gap in the rate of Aboriginal and non-Aboriginal persons who are under Youth Justice supervision by 2031. AJA4 stated that, to be on track to close the gap by 2031, the number of Aboriginal children and young people under Youth Justice supervision on an average day needed to be

reduced by at least 43 young people by 2023 (a target of 89 children and young people on an average day).

73. As described in the DJCS Agency Response, the State is seeing some improvements in the over-representation of Aboriginal people in Youth Justice settings. In 2021-22, there were 55 Aboriginal young people aged 10-17 under Youth Justice supervision on an average day, meaning that, as at 30 June 2022, the AJA4 milestone has been achieved and exceeded. However, in the same twelve-month period, Aboriginal young people aged 10 – 17 were 10 times more likely than their non-Aboriginal counterparts to be under Youth Justice custodial supervision in Victoria. Although that is a reduction from being 12 times more likely in 2016-17, I acknowledge that that reduction is partly attributable to a reduction in overall numbers of young people in custody as a result of the COVID-19 pandemic. Notwithstanding the progress made, the over-representation persists. This is unacceptable. Further work is needed to address systemic factors driving the persistent over-representation of Aboriginal children and young people in youth justice.
74. Although not expressly raised by the Commission's Questions directed to me, it is appropriate that I address recent reports relevant to the youth justice system, alongside two key strategies which set the reform directions for Youth Justice and guide our work to further drive down the numbers of Aboriginal children and young people in youth justice.

The Armytage and Ogloff Review and Youth Justice Strategic Plan 2020-2030

75. The Government has invested over \$2 billion to improve Victoria's youth justice system since 2014. Our reform program has been guided by the landmark 2017 report, *Youth Justice Review and Strategy: Meeting needs and reducing offending*, by Penny Armytage and Professor Jim Ogloff (**Armytage and Ogloff Review**).
76. The Armytage and Ogloff Review recognised the need for a different approach to Youth Justice, achieved through a differential response to working with young people. It recommended focusing on age-appropriate responses and remaining conscious of the evidence on youth offending. The review set out ways to improve on many fronts.
77. The Review made 126 recommendations in July 2017, of which 96 have been acquitted as of March 2023.
78. Further reforms are underway to acquit the remaining 30 recommendations. This includes a standalone Youth Justice Bill (which will address 11 recommendations) which the Government has committed to introduce as a priority. The Youth Justice Bill is discussed below.
79. In May 2020, the Government launched the *Youth Justice Strategic Plan 2020-2030* (the **Strategic Plan**). The Strategic Plan reflects the Government's 10-year vision for how we will deliver a leading youth justice system in Victoria and provides the roadmap for our ongoing commitment to reforming the youth justice system, to deliver better outcomes for children, young people and their families. The key

priorities of the Strategic Plan are set out in the DJCS Agency Response at paragraph 62. They include improving diversion and early intervention strategies for Aboriginal young people (which is discussed further in section G below), strengthening partnerships with children and young people, their families and the professionals and service providers who support their rehabilitation and positive development and help them to turn their lives around.

80. With respect to Aboriginal children and young people, the Strategic Plan prioritises reducing Aboriginal over-representation in the youth justice system, introducing age-appropriate responses for 10 to 14 year olds to prevent entry (discussed further below), or further progression into, the justice system, and supporting the implementation of Wirkara Kulpa.⁵

Wirkara Kulpa (Aboriginal Youth Justice Strategy 2022-2023)

81. Wirkara Kulpa is the first Aboriginal Youth Justice Strategy in Victoria. Its vision is that Aboriginal children and young people are not in the youth justice system. This is because they are strong in their culture, connected to families and communities, and living healthy, safe, resilient, thriving and culturally rich lives.
82. Wirkara Kulpa was developed and led from the outset by the AJC, under the umbrella of the AJA.
83. It was developed in parallel with the Koori Youth Justice Taskforce, which examined the care of nearly 300 Aboriginal children and young people under youth justice supervision and responds to 56 recommendations of the combined report from the Taskforce and the *Our Youth Our Way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system (OYOW)* report (2021) by the Commissioner for Aboriginal Children and Young People, which I discuss below.
84. While we have a way to go in planning for, designing, and implementing all initiatives captured under Wirkara Kulpa, implementation of a number of key initiatives has commenced, supported by over \$55 million in government investment.
85. This includes the re-establishment of Balit Ngulu, a dedicated legal service for Aboriginal young people delivered through the Victorian Aboriginal Legal Service, and the expansion of the Community Based Aboriginal Youth Justice Worker Program.
86. In addition, in February 2023, the Aboriginal Case Management Review Panels commenced. Review Panels are co-chaired by the Commissioner for Aboriginal Children and Young People and Aboriginal Youth Justice who provide oversight of the case management of Aboriginal young people under youth justice supervision. Working alongside local ACCOs, the panels consider aspects of the young person's

5 Department of Justice and Community Safety, *Youth Justice Strategic Plan 2020-2030*, Victorian Government (2020) 24. Available at: <https://www.justice.vic.gov.au/youth-justice-strategy>.

circumstances including child protection involvement housing and health, and set specific actions for their care and wellbeing.

87. Planning work is also underway to:

- 87.1 establish Aboriginal youth justice hubs to provide culturally based, holistic supports for Aboriginal children and young people who are in contact with, or at risk of entering the youth justice system. Under the leadership of AJC the Hubs are being designed and developed in partnership with, and managed by, Aboriginal communities and organisations;
- 87.2 deliver a youth voice model for Aboriginal children and young people, in partnership with the Koorie Youth Council; to improve Aboriginal children and young people's participation in Youth Justice processes;
- 87.3 deliver an early intervention family centred service to keep Aboriginal children aged 14 years and under out of the criminal justice system (which I discuss below); and
- 87.4 deliver a single cultural plan which can be shared by all agencies working with Aboriginal children and young people, to ensure consistency in cultural support planning and integrated cultural support in case management processes.

Our Youth Our Way Report 2021

- 88. The report of the OYOW was tabled in Parliament on 9 June 2021.
- 89. OYOW presents the findings and recommendations of the Koori Youth Justice Taskforce and the Commission for Children and Young People's systemic inquiry. It includes 75 recommendations.
- 90. A whole of government response to OYOW was released on 17 February 2022. The response supports 67 recommendations and designates the remaining eight as under review (relating to police powers, age of criminal responsibility, Aboriginal community-controlled crisis accommodation, expansion of the Children's Court, increasing the age of detention and proposed changes to bail laws).
- 91. Significant reforms are already underway that support delivery of some of OYOW's recommendations that extend across areas of government service delivery.
- 92. The Victorian Government is working with the Commission for Children and Young People to acquit the remaining recommendations in OYOW, noting that many of the OYOW recommendations align with existing reform directions and State Budget investments, such as those committed to under Wirkara Kulpa.

Development of a Youth Justice Bill and raising the age of criminal detention (Question 135⁶)

93. I acknowledge that conditions in youth justice custody can traumatisate and re-traumatisate children, disrupt development and make reoffending more likely. For Aboriginal children, detention also removes them from their families, communities, Country and culture. These impacts are acutely felt for younger children.
94. The Government has committed to developing a standalone, contemporary Youth Justice Bill, informed by a number of Youth Justice reviews, including the Armytage and Ogloff review.
95. Significant work has been undertaken on this critical reform piece, that aims to deliver a modern and responsive legislative framework that will increase the effectiveness of Victoria's youth justice system and minimise the number of children and young people coming into contact with the justice system. The Government has engaged in extensive stakeholder consultation with Aboriginal people, the Aboriginal Youth Justice Collaborative Working Group, and others on the development of the Bill.
96. As recommended by the Armytage and Ogloff Review, it is intended that the new legislative model for youth justice will be shaped by guiding youth justice principles designed to minimise and reduce offending by children, support rehabilitation and positive development, and promote community safety.
97. Priorities for potential inclusion in the Bill include:
 - 97.1 a more nuanced diversionary framework;
 - 97.2 a revised sentencing framework that prioritises rehabilitation;
 - 97.3 a more robust and efficient custodial framework; and
 - 97.4 clearer provisions to uphold the rights to Aboriginal self-determination.
98. It is also proposed to consider inclusion of a clear statement that enshrines the principle of 'detention as an option of last resort'. The Government is committed to progressing this priority legislation as soon as possible.
99. While the Government's position on the minimum age of criminal responsibility and minimum age of detention (currently 10 years of age) is not yet settled, they are under active consideration. As stated in the WoVG submission, the Government acknowledges that Aboriginal children are disproportionately impacted by the low age of criminal responsibility. While the State is actively engaging in the Standing Council of Attorneys-General's consideration of the minimum age of criminal responsibility issue, the Premier has recently indicated that the current minimum age of criminal responsibility of 10 years needs to change, and that Victoria is prepared

⁶ (135) Explain the State's position in relation to: ... (b) the age of incarceration to be raised to 16 years.

to undertake this reform independently if the national process does not deliver. This reform is being led by the Attorney General.

Programs and pathways for children under 14 in contact with the criminal justice system (Question 139⁷)

100. While the Youth Justice Strategic Plan commits to a differentiated approach for 10 – 14 year olds in contact with the criminal justice system, I acknowledge that this has not yet been fully realised.
101. The evidence tells us that children who come into contact with the criminal justice system at a younger age are more exposed to ongoing harm and at higher risk of becoming entrenched in the criminal justice system.
102. Aboriginal children are over-represented among children in contact with the criminal justice system. While it is positive that during 2020-21, Victoria had the lowest rate of 10-17 year old young people in Youth Justice who had contact with Child Protection, concerningly, three-quarters of Aboriginal children aged 10-13 in contact with Youth Justice had previous contact with Child Protection.
103. Further, despite the small number of 10 – 13-year-olds who come into contact with the justice system, many of these children have very complex needs and come into contact with police multiple times, often with their offending escalating, before they are charged. This represents a significant missed opportunity to intervene early, address problematic behaviours and build protective factors for these children and their families.
104. Every effort should be made to divert these children from the criminal justice system, and while the task is challenging it is also extremely important. The Government is committed to diversion, as reflected in the 2022 Youth Diversion Statement, but we have more work to do in providing alternative pathways for 10-14 year old children.
105. Strengthening the service response to 10 – 14-year olds is a key priority of Wirikara Kulpa. As detailed above, work is underway, in partnership with AJC, to develop a program and service model specifically for Aboriginal children aged 10 to 14 years old, through family centred Aboriginal-led services. The development of the model will be informed by detailed data on this cohort of children, (numbers, locations and service needs), matched to the advice of our partner ACCOs. The model is to be considered for endorsement by AJC and its Youth Collaborative Working Group shortly.

Reforms to practice in Youth Justice custodial environments

106. Isolation, and the separation of children and young people in youth justice custody is a critical issue, and one that has been at the forefront of recent inquiries, including

⁷ (139) Describe the policy and program development and funding for alternative service models and pathways for children under 14 in contact with the criminal justice system.

the Commission for Children and Young People's *The Same Four Walls Inquiry* (2017).

107. I acknowledge that the use of these restrictive practices carries acute and unique risks of harm for Aboriginal children and young people, due to their over-representation in the youth justice system and in the context of their life circumstances such as high rates of exposure to child protection, experiences of intergenerational trauma, family violence and loss of culture and community ties.
108. The Government is committed to reducing the use of restrictive practices in youth justice custody wherever possible.
109. Isolation can be lawful under the *Children, Youth and Families Act 2005* but must be used as a last resort, where all other reasonable steps have been taken. It is not used as a punishment. Where young people are isolated, engagement, support and ongoing interaction with education, health and programs ensures that young people remain supported and cared for consistent with all legislative and Charter requirements, including the UN Standard Minimum Rules for the Treatment of Prisoners.
110. *The Same Four Walls Report* found deficiencies in record-keeping relating to isolation, proposed amendments to legislation to strengthen oversight of isolation practices, and underscored the need for greater transparency in relation to Youth Justice operational practice and policies and service performance data for the use of isolation, separations, and lockdowns.
111. It made 21 recommendations, all of which were accepted by Government (in full or in principle). As of 15 March 2023, 17 of the 21 Report's recommendations have been acquitted, four are currently in progress. Many recommendations have been incorporated within existing reform initiatives already underway across Youth Justice, including work implementing the Armytage and Ogloff Review.
112. Two of the outstanding recommendations are being considered through the development of the new Youth Justice Bill which I have referred to above. The remaining recommendation will be acquitted as the new accommodation at Cherry Creek comes online and improves placement options for young people.

Transfers to adult prison (Question 135⁸)

113. Wherever possible, if young people cannot be diverted from the criminal justice system, and must be held in detention, youth justice custody is the most appropriate setting. Young people under the age of 18 years should, wherever possible, be placed in a youth justice facility rather than an adult prison.

⁸ (135) Explain the State's position in relation to: ... (c) No one under 18 years of age transferred to an adult prison.

114. For young people aged between 18 – 21 at the time of sentencing, Victoria has a unique 'dual track' system that is designed to prevent vulnerable young people from entering the adult prison system by enabling them to receive a youth justice order.
115. However, for young people aged over 16, the Youth Parole Board may decide to transfer a young person to adult prison under section 467 of the *Children, Youth and Families Act 2005*. The Youth Parole Board takes into account specific factors including where the young person has engaged in conduct that threatens the good order and safe operation of a youth justice centre. Since the beginning of 2018 there has been one young person identifying as Aboriginal under the age of 18 years (17.5 years old) transferred to adult prison by the Youth Parole Board.
116. The decision to transfer a young person to adult custody is only made in order to ensure the safety of the young person, as well as the safety of other young people, staff and the youth justice facility. The Government's position is that the ability to transfer young people should be maintained, noting that this is an option of last resort.

Part G. Alternatives to custodial sentencing practices (Question 163⁹)

117. This section of my outline addresses the range of options, accessibility, and adequacy for Aboriginal people of:
 - (a) cautions and diversionary programs; and
 - (b) community-based sentencing.
118. I recognise that cautioning or diversion often leads to better outcomes than laying criminal charges. In particular, I acknowledge the vital role that cautioning plays in preventing Aboriginal people from entering the criminal justice system. Its importance cannot be understated. Cautions are an important diversionary response in the criminal justice system and are particularly important for children and young people. Cautions are issued by police and more appropriately addressed by the Minister for Police or the Chief Commissioner of Police.
119. An explanation of Community Corrections Orders, Youth Justice community-based sentencing options, and diversionary programs available to Aboriginal people in Victoria has been provided to the Commission in Section 3 of the DJCS Agency Response. My statement is focused on the adequacy and accessibility of these alternatives to Aboriginal people and the Government's plans for improving their adequacy and accessibility. I address the options and programs available to children and young people separately from those available to adults.

⁹ (163) What is the State's position on the adequacy and accessibility (as at February 2023) for First Peoples of: (a) community-based sentencing; (b) cautions and diversionary programs; and (c) the range of options, accessibility and efficacy of community-based sentencing options, in each case, for First Peoples men, women and/or children.

Diversionary programs and community-based sentencing options available to Aboriginal children and young people

Diversionary and early intervention programs delivered by Youth Justice

120. Diversion and early intervention initiatives play an essential role in reducing Aboriginal young people's contact with an imposing, unfamiliar and frequently traumatising criminal justice system. This is particularly critical for young people, noting that evidence on youth offending shows that for most young people, early intervention and diversion from the justice system are the most effective approaches to reduce reoffending.
121. I acknowledge that, while we have seen some success in the numbers of all children and young people diverted away from the criminal justice system, evidence and data highlight that more work needs to be done to ensure that diversionary and early intervention programs are accessible and effective for Aboriginal children and young people. Below I address the current and future strategy of the Victorian Government to address this problem.
122. The Government's commitment to diversion and early intervention is reflected in the Youth Diversion Statement, launched in 2022. This Statement recognises that keeping young people out of the criminal justice system requires a comprehensive approach and coordination across multiple justice agencies, local communities and the broader service system.
123. In addition, Youth Justice oversees and delivers a broad suite of programs intended to prevent entry into, and divert children and young people away from, the criminal justice system and thereby reduce over-representation. The range of programs is set out in the table at paragraph 122 of the DJCS Agency Response.
124. The Children's Court Youth Diversion (CCYD) service is a legislated framework for diversion in Victoria which aims to divert young people with limited or no criminal history and avoid the stigma associated with a criminal record and its impact on future life opportunities.
125. Since it began in 2017, more than 7,000 diversions have been completed and have successfully kept children and young people out of the statutory youth justice system.
126. However, an analysis of 2020-21 and 2021-22 data revealed that Aboriginal young people are slightly underrepresented in this cohort, with 11 per cent (307 of 2710) of diversions ordered for children and young people who identified as Aboriginal, whereas Aboriginal young people made up 14 per cent of the broader youth justice cohort during the same period.
127. An internal evaluation of CCYD found that multiple factors are acting as barriers to participation of Aboriginal young people in the program, including: cultural barriers, including that Aboriginal young people do not have the option of working with dedicated Aboriginal CCYD practitioners; a perception that Victoria Police may hold

a conscious or unconscious bias; a lack of family supports and mistrust of the diversion process. The effect of these barriers to participation in this program is an increase in the numbers of Aboriginal children and young people who ultimately come under youth justice supervision.

128. Work is underway to address these barriers, including planning for dedicated Aboriginal and Culturally and Linguistically Diverse (**CALD**) diversion coordinator positions and review of the CCYD practice guidelines to ensure the cultural needs of Aboriginal young people and young people from CALD groups are adequately supported.

Community-based sentencing options for children and young people

129. While our vision under Wirkara Kulpa is for no Aboriginal child or young person to be under youth justice supervision, for those children that do come under our supervision, the aim is to keep as many of them in the community as possible. This ensures that children stay out of custody, which we know can have significant criminogenic impacts, and are able to stay linked in their pro-social connections, including school, family, culture and recreation, in an environment where rehabilitation is more effective.
130. The range of community-based sentencing options available for children and young people in Victoria includes youth control orders, youth attendance orders, youth supervision orders and probation orders which are described in the DJCS Agency Response at paragraph 126. These community-based sentencing options are available to all children and young persons and are managed under the Youth Justice Case Management Framework, described at paragraphs 127-128 of the DJCS Agency Response.
131. The 2022 Statutory Review of the *Children and Justice Legislation Amendment (Youth Justice Reform Act) 2017* found the youth control order inadequate for Aboriginal young people, with only one Aboriginal young person having been sentenced to a youth control order. This is significant, given that the youth control order is the most intensive order that a young person can serve in the community, and was introduced as a way of diverting young people from custodial supervision. Stakeholders have advised that introducing cultural safety sentencing principles would likely help in this regard.
132. Specific sentencing principles recommended by the AJC for Aboriginal children are being considered as part of the development of the new Youth Justice Bill. This will also include consideration of a Statement of Recognition that acknowledges the ongoing impacts of colonisation and structural and institutional racism that have led to over-representation of Aboriginal children in the justice system, as well as principles to support self-determination
133. Further, the data tells us that the current approach to community-based sentencing options for Aboriginal children is not adequate.

134. From July to December 2022, 132 Aboriginal children and young people (10 to 17 years) were involved in the youth justice system. This included 129 Aboriginal children and young people on community-based orders, 51 of whom were sentenced and 71 of whom were not.
135. During this period, 85% of Aboriginal children and young people successfully completed community-based orders. This is lower than the percentage of community-based orders completed by non-Aboriginal children and young people, which was 96%. Of particular concern, 29 per cent of Aboriginal children successfully completed their Youth Parole Order over the period, compared to 62 per cent of non-Aboriginal children.
136. This is a significant issue, which the Government is working to address through Wirkara Kulpa, and investment in targeted and evidence-based programs. The Government funds a number of community-based programs that aim to work alongside youth justice statutory supervision and deliver interventions that support children, young people and their families to avoid further involvement in the justice system. They include both Aboriginal specific programs and programs which are available to all young people who have contact with the youth justice system. The range of programs and supports is set out in the DJCS Agency Response at paragraphs 123-124 and 129.

Community-based sentencing options for adults in the corrections system

137. I acknowledge that, historically, imprisonment and custodial penalties were a racist tool of State control over Aboriginal people. Community-based sentencing options are intended to allow for greater flexibility in sentencing to divert people from custody and minimise the criminogenic impacts of incarceration. This achieves the ultimate aims of reducing reoffending and promoting community safety. I acknowledge the importance of developing, using and removing barriers to community-based sentencing options for Aboriginal people to ensure that they are diverted away from the custodial corrections system at the earliest opportunity and the importance of ensuring that Aboriginal people undertaking community-based sentences have adequate and culturally safe supports to put them in the best position to successfully complete their sentences.
138. There are currently four community-based sentencing options for adults in Victoria:
- (a) Community Correction Orders (**CCOs**) – a community-based order that may be imposed by itself or in combination with a term of imprisonment not exceeding one year, with mandatory and discretionary conditions, such as supervision, community work, treatment and rehabilitation conditions, curfews, and place and non-association conditions;
 - (b) Drug and Alcohol Treatment Orders (**DATOs**) – an order available in the Drug Court that includes a custodial and treatment and supervision component, and uses a system of incentives and sanctions aimed at addressing substance dependencies;

- (c) Fine Conversion Orders and Fine Default Unpaid Community Work Orders, and
- (d) Parole Orders – the service of part of sentence of imprisonment in the community under the supervision of Community Corrections.

Community-based orders (CCOs, DATOs and Fine Conversions)

139. I acknowledge that Aboriginal people are over-represented in community corrections and have consistently lower order completion rates for community-based orders than non-Aboriginal people. In light of these facts, it is undeniable that existing arrangements to assist Aboriginal people to access and complete community-based orders and reintegrate successfully into their communities are inadequate.
140. This is likely attributable to a range of factors that span the services system and which are not solely within the control of the corrections system. This includes the higher prevalence of barriers affecting Aboriginal people that have an impact on access and order completion, including: unstable housing, unemployment, substance use, and limited programs and supports tailored to Aboriginal people.
141. The Government is committed to working with Aboriginal people to remove barriers to access and successful completion of community-based sentencing dispositions and ensuring that Aboriginal people can realise the benefits of custodial alternatives. The DJCS Agency Response at paragraphs 77 to 81 discusses ways that the Government and DJCS have sought to address these barriers.
142. These include:
 - 142.1 the establishment of the Wulgunggo Ngalu Learning Place for Aboriginal men undertaking a CCO;
 - 142.2 the creation of new roles for Aboriginal Advanced Case Managers and Aboriginal Case Managers to case manage Aboriginal people undertaking community-based orders in a culturally safe manner;
 - 142.3 the provision of unpaid community work programs in partnership with local ACCOs;
 - 142.4 piloting a new Aboriginal Professional Practice Advisor role in each DJCS Area designed to respond to some of the issues of cultural load and to increase cultural capability across the workforce; and
 - 142.5 Aboriginal Case Consultation Meetings with membership from DJCS and Aboriginal community organisations, held periodically to support Aboriginal people undertaking a community-based order with responsiveness needs and service access barriers.
143. These partnerships are developed in conjunction with RAJACs, Local Justice Workers and other ACCOs (such as the Victorian Aboriginal Child Care Agency) to establish

culturally beneficial community work programs. Regional community work provides Aboriginal participants with community focused and person-centred work options in their local community. These programs work toward reconnecting Aboriginal participants with their local community, including building work skills and where applicable and employment pathways.

144. In addition, the Wadamba Prison to Work Program¹⁰ supports participants to become job ready by providing access to employment services, career guidance and cultural support in custody and then post release. The eligibility criteria is that a person must be aged 18 to 35, and on remand at DPFC or the Metropolitan Remand Centre. Launched in July 2020, in the previous financial year the Wadamba program supported 182 participants in prison and 77 post-release. This includes 44 people placed into jobs since the program commenced.
145. Further proposals that are under development or consideration include the following:
 - 145.1 A modified version of the KickStart program (an Alcohol and Other Drugs treatment program specifically designed for people with a history of offending behaviour) tailored to the specific needs of Aboriginal men on CCOs is currently being designed and is expected to commence operation from mid-2024.
 - 145.2 As noted in the WOVG Submission at paragraph 63, the Government has committed under AJA4 to identify more suitable sentencing arrangements to address the underlying barriers to access to and successful completion of community-based options by Aboriginal people. One option under consideration from AJA4, is the establishment of an Aboriginal community-controlled corrections orders. This action is in progress and in August 2022, Corrections Victoria's Naalamba Ganbu and Nerrlinggu Yilam Unit completed a service mapping exercise to understand what steps regions were taking to move towards greater Aboriginal community involvement in Community Correctional Services, and what opportunities exist to build and strengthen compliance support for Aboriginal people on community-based orders. This exercise illustrated many positive examples taking place throughout the regions, including building partnerships and creating referral pathways with local ACCOs, and creating opportunities for Case Managers to do outreach and service Aboriginal people directly from ACCOs they are working with. These matters are being considered as part of the *Sentencing Act* reform process and are more appropriately addressed by the Attorney-General.
 - 145.3 The expansion of the Wulgunggo Ngalu Learning Place model to Aboriginal women undertaking a CCO. The Learning Place is an 18-bed correctional facility that is not a prison. It provides Aboriginal men undertaking a CCO with an important opportunity to learn new skills, reconnect with, or further

¹⁰ At para 94 footnote 49 of the DJCS Agency Response, it is stated that this program is Commonwealth-funded. This is incorrect. This program is funded through the State Budget.

strengthen, their culture and participate in programs and activities to help them address their offending behaviour. Participation is voluntary and involves living on site for between 3 to 6 months. Since its inception in 2008, WNLP has consistently achieved Order completion rates of 75 – 80%, which compares favourably to a completion rate of 39% for Aboriginal men undertaking a CCO in the community. A qualitative evaluation of the program completed in 2013 found that the program had improved participants' cultural identity and laid critical foundations for any process of change.

Parole

146. Parole in the adult justice system is discussed at paragraphs 111 to 115 of the DJCS Agency Response. I acknowledge that existing supports for Aboriginal people to obtain a grant of parole and to successfully complete their parole period are inadequate and that the same barriers which limit access to community-based sentences, are likely contributing to lower rates of parole being granted for Aboriginal people and lower parole completion rates. In 2020-21, an absence of suitable accommodation was a factor in 75% of parole denied decisions affecting Aboriginal people compared with 51% for non-Aboriginal persons.
147. DJCS continues to work to address these issues. The activities undertaken by DJCS to support people to rehabilitate and transition back into the community are set out in paragraphs 82 to 110 of the DJCS Agency Response. This includes, at paragraphs 92 to 95, a range of culturally tailored and Aboriginal-led programs intended to provide opportunities for connection to culture, healing and to address the underlying causes of offending.
148. Access to transitional housing is provided through the Maribyrnong Community Residential Facility funded by DJCS and the Corrections Victoria Housing Program (**CVHP**), which is part of the Corrections Victoria Reintegration Pathway (**CVRP**). Aboriginal people in prison are one of the priority cohorts assisted by the CVRP. Since December 2018, 33 Aboriginal people have been allocated transitional property through the CVHP. In addition, in October 2023, DJCS and Department of Families, Fairness and Housing (DFFH) in partnership with VACRO and Social Ventures Australia will implement the Partnerships Addressing Disadvantage's Arc Program. The program will trial sustained and integrated housing and case management support through two years of housing with community housing providers for people leaving prison into homelessness, including people applying for parole. The Arc Program will run until 30 June 2029 and is estimated to provide services to 448 prison leavers during this time.
149. Highly vulnerable Aboriginal women are also supported to transition from prison through the Baggarrook program. Baggarrook provides wrap-around cultural and case management supports to assist with release requirements, reintegration referrals and assistance to build on independent living skills. Since the program commenced in 2020, 13 women have been housed under the program, with all women identifying as Aboriginal.

150. In addition, in November 2022, DJCS commenced a project to review prisoners that have a parole eligibility date and are undergoing a Parole Suitability Assessment (PSA). The review aims are to identify system blockages in the PSA process and identify opportunities to improve prisoner outcomes. Preliminary findings are that the system blockages relate to: delayed or incomplete treatment programs, accommodation delays or a combination of issues. This work is ongoing.

Part H. Custodial health care systems (Questions 181 and 182¹¹)

151. I acknowledge that the delivery of culturally safe and quality custodial health care services plays a critical role in supporting the health and wellbeing of Aboriginal people and reducing the risk of further contact with the justice system.
152. The Victorian Government has a duty of care to provide people in prison and in youth justice facilities with access to reasonable and necessary healthcare.¹²
153. As stated in paragraph 175 of the DJCS Agency Response, the notion of whether the healthcare services provided in custodial settings are equivalent to those available in the community does not account for the significant health disparity experienced by vulnerable cohorts in custodial settings, including Aboriginal people. Rather, the Government is focused on moving towards delivering equity of outcomes through the new health services delivery model to be implemented on 1 July 2023, discussed below.
154. Nevertheless, I recognise and acknowledge that the failure to provide accessible and culturally safe healthcare services to Aboriginal people in custody has had, and continues to have, significant, intergenerational impact on Aboriginal people and their communities. Both the Veronica Nelson Inquiry and the Cultural Review have identified significant failures with respect to the healthcare services provided to Aboriginal people in custody and the cultural safety with which those services have been delivered. While the incoming health services model discussed below takes positive steps, further work is required to remove the barriers that prevent Aboriginal people from engaging with health services in custody and ensuring that

¹¹ (181) Explain whether the State's position as to whether the health services described in response to paragraph (180) above are: (a) equivalent to the services available in the community; and (b) culturally appropriate and responsive to the unique needs and experiences of First Peoples men, women, children and LGBTQI individuals.

(182) Explain any current or proposed reform to address opportunities or shortcomings identified in the response to paragraph (181).

¹² This duty arises under various pieces of legislation including section 47 the *Corrections Act 1986*, which requires 'access to reasonable medical care and treatment necessary for the preservation of health', and if mentally ill, to access 'special care and treatment as the medical officer considers necessary or desirable in the circumstances. It also arises under section 482 of the *Children, Youth and Families Act 2005*, which states that children and young people in custody are entitled to have reasonable efforts made to meet their medical, religious and cultural needs including, in the case of Aboriginal children, their needs as members of the Aboriginal community.

health services are culturally safe and achieve the Government's aim of ensuring equity of outcomes.

155. Section 5 of the DJCS Agency response provides a detailed explanation of the health services available for Aboriginal adults and young people in custody. My response below is focused on recent reforms and planned innovations in the delivery of health services to adults and young people in custody. For completeness, I note that health care in police custody is a matter for Victoria Police. My response is directed to the delivery of health care services to adults and young people in Corrections and Youth Justice systems.

Health services available to men and women in the adult custodial system

New Specification for the delivery of primary health services and new Health Services Delivery Model—1 July 2023

156. As described in the DJCS Agency Response at paragraphs 168-176, Justice Health has undertaken a comprehensive Health Services Review and developed a new specification for the delivery of primary health services and a new health services delivery model for adult public prisons, which was released as part of a Request for Tender in December 2021 and will commence operation from 1 July 2023. The Review consulted with, among others, the AJC, the Aboriginal Health division of the Department of Health, VACCHO and Aboriginal people with lived experience of prison health services.
157. The aims of the new specification include, relevantly for Aboriginal people in custody, that it will:
- 157.1 provide primary healthcare services that are safe and that meet the physical, social, emotional, spiritual and cultural wellbeing needs of Aboriginal people in prison in a culturally safe way; and
 - 157.2 improve rehabilitation outcomes and reduce the overrepresentation of Aboriginal people by addressing the underlying health and wellbeing factors that limit person's ability to participate in programs, education, training, and social engagement.
158. The new service delivery model also includes an updated Health Services Quality Framework against which all health primary providers across prisons in Victoria will be required to deliver services, and a strengthened accountability framework, which will continue to be monitored by Justice Health.

Aboriginal-specific health services in adult prisons

159. The range of Aboriginal-specific health services in custodial settings is described in the DJCS Agency Response at paragraphs 184-190. These include the Strengthening Aboriginal Healthcare Project, which aims to ensure Aboriginal people in prison have culturally specific health care. Initiatives undertaken as part of this project include:
- 159.1 the Continuity of Aboriginal Health Care program;

- 159.2 cultural safety training for health service providers; and
 - 159.3 completion of an Aboriginal Health Risk Review.
160. The new service delivery model, commencing on 1 July 2023, will see a range of enhancements, including a strong focus on delivering enhanced health services to Aboriginal people. Specific services for Aboriginal people will include:
- 160.1 an Aboriginal specific health check upon reception into custody, which is equivalent to the Medicare Benefits Scheme item 715 health check that is available to Aboriginal and Torres Strait Islander people in the community;
 - 160.2 integrated care plans for all Aboriginal people in custody;
 - 160.3 added services to strengthen health-related release planning and continuity of care for Aboriginal people in prison;
 - 160.4 AOD health programs specifically tailored for Aboriginal men and women; and
 - 160.5 an enhanced Aboriginal workforce including Aboriginal Health Workers and Aboriginal Health Practitioners.
161. All health service providers will be required to work closely with ACCHOs and to ensure services comply with the National Aboriginal Community Controlled Health Organisation and the VACCHO standards for culturally safe health care.
162. Finally, as I have noted above, DJCS will also transition primary healthcare services at the DPFC and Tarrengower Prison to public providers from 1 July 2023. Western Health will provide primary health services at DPFC. Clinical services at DPFC will be provided by a multidisciplinary team incorporating care coordinators within core clinical teams including Wilim Berrbang, Western Health's Aboriginal Health unit. Dhelkaya Health will provide primary health services in Tarrengower Prison. Dhelkaya Health will work in partnership with Bendigo Health and Bendigo & District Aboriginal Co-operative. Work is also progressing on the Aboriginal Healing Unit at DPFC, which will open in coming months.
163. The new health services specification and delivery model will take meaningful steps towards achieving equity of health outcomes for Aboriginal people in custodial settings and responding to the recommendations of the Nelson Inquiry and the Cultural Review. Nevertheless, I acknowledge that there is more to do. It is my expectation that the Government's response to the recommendations of the Veronica Nelson Inquiry and the Cultural Review will provide a framework for ongoing improvements in health services delivery across all public and private providers and DJCS will continue to engage with the AJC, AJF, VACCHO and other ACCHOs to this end.

Information exchange between custodial and community healthcare providers

164. I acknowledge that there is need to improve the continuity of care between custodial health service providers and community health providers, particularly where it relates to the safe care of Aboriginal people. There is also a need to improve collaboration and appropriate information sharing between health and correctional staff, to support more appropriate responses to health needs.
165. DJCS is currently reviewing existing arrangements for coordination of care across all custodial settings. DJCS is also working with the health service providers who will be delivering primary health services in public prisons from 1 July (Western Health, Dhelkaya Health and GEO Healthcare) to improve processes for ensuring continuity of care as people transition from the community into prison, during their time in custody and on release back into the community.
166. I recognise that as long as Aboriginal communities in Victoria are unable to control and govern the creation, collection, interpretation and analysis of their data, their right to Indigenous Data Sovereignty is impacted. The Government is open to receiving the Commission's recommendations on how to develop data policies that respects Indigenous Data Sovereignty while also ensuring the effective transfer of medical information to enable continuity of care.

Mental health care for Aboriginal people in custody

167. The Government is undertaking work to strengthen the continuity of care and transition planning for people with mental health needs and alcohol or other dependencies as they transition into and out of custodial environments. This work aligns with recommendations from the RCIADIC, the Royal Commission into Victoria's Mental Health System and the Parliamentary Inquiry into the Criminal Justice System.
168. Justice Health is currently exploring the potential to implement Aboriginal and Torres Strait Islander Mental Health First Aid Training for primary and forensic mental health care providers to be able to appropriately support Aboriginal prisoners experiencing mental health issues.

LGBTIQ+ community

169. Victoria's prison system is currently separated into two systems that are based on gender: a men's system and a women's system. These two systems currently remain the only placement options for Aboriginal people who identify as trans, gender diverse or intersex.
170. People in prison who are trans, gender diverse or intersex should be treated with the same respect and dignity accorded to any other person in prison and must not be discriminated against or harassed on the grounds of their gender identity, intersex status, or related needs. As prisons have been designed around binary concepts of gender there are a number of factors that result in trans, gender diverse and intersex people being particularly at risk of harm and abuse.

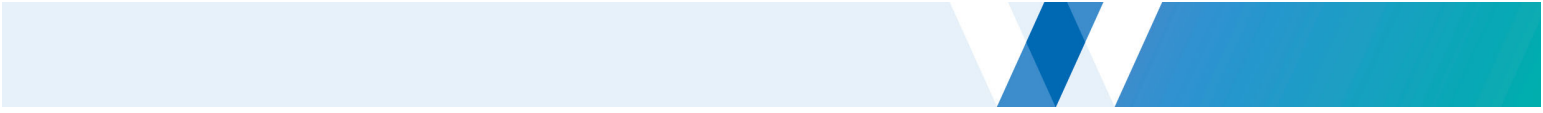
171. Safety and welfare are paramount considerations in the placement of trans, gender diverse and intersex people in prison, acknowledging that trans, gender diverse and intersex people in prison are at heightened risk of sexual or physical assault where their placement does not accord with their gender identity.
172. I acknowledge that LGBTIQ+ communities, particularly trans and gender diverse people, are at risk within the criminal justice system, and this applies to all levels of their contact with the system, including the corrections system. I acknowledge that further work must be done, including improving data availability, considering the impact of discrimination and disadvantage on people's experiences, as well as correlations between offending, recidivism and harm incurred during incarceration.
173. There are no official national or state statistics that measure the percentage of Aboriginal people who are also LGBTIQ+, however, studies estimate that the proportion of LGBTIQ+ people in the national population may be up to 11 per cent. Aboriginal people who identify as LGBTIQ+ have further intersecting and overlapping points of disadvantage and discrimination that need to be reflected in their intervention and case planning.
174. Within the justice system, recent policies have been developed to better support and care for people in prison who are trans, gender diverse or have an intersex variation. In March 2021, the *Commissioner's Requirement 2.4.1 – Management of Prisoners who are Trans, Gender Diverse or Intersex* was issued. The Commissioner's Requirement states that a person should be placed in the prison of their gender, rather than their sex assigned, or assumed at birth, depending on several other factors considered in placement decision making. Factors that must be considered when making placement decisions include the person's preference and considerations such as significant safety or security concerns.
175. DJCS has also established a formal online peer support group for trans, gender diverse and non-binary people in prison at Hopkins Correctional Centre.¹³ Telehealth access to gender services, including the Monash Health and Gender Clinic, is also being provided for trans, gender diverse and non-binary people in prison.
176. The new health services model, commencing on 1 July 2023, will include tailored LGBTIQ+ responses. From that date, new health service providers will be required to develop Integrated Care Plans for all transgender and gender diverse people to ensure their health needs are appropriately identified, responded to and monitored.
177. DJCS is also committed to implementing the *Pride in our future: Victoria's LGBTIQ+ strategy 2022-32*. DJCS' approach will continue to be developed based on priority areas and feedback from both the LGBTIQ+ Taskforce and the LGBTIQ+ Justice Working Group, which advises on Government policy, programs and services related to current and emerging LGBTIQ+ issues in the justice system, and from staff and people with lived and living experience of imprisonment.

¹³ The program is funded for two years and commenced in April 2022. The new health services model, commencing on 1 July 2023, will include tailored Aboriginal health and LGBTIQ+ responses.

178. A Corrections LGBTIQ+ framework is under development. The framework will be designed to guide the system's response to people in contact with the corrections system who identify as part of the LGBTIQ+ communities. It will play an important role in ensuring the right supports and services are available to people in prison who identify as part of any of the LGBTIQ+ communities and provide an overarching framework to review the use of existing requirements, instructions, and standards within the Victorian corrections system.
179. DJCS is committed to making ongoing system improvements, including:
- 179.1 exploring accommodation options to enhance DJCS's response to gender diverse prisoners;
 - 179.2 establishing a Trans, Gender Diverse and Intersex Prisoner Reference Group to monitor issues and consider opportunities for system improvements related to trans, gender diverse and intersex people in custody;
 - 179.3 improving cultural competency through prison staff training and virtual LGBTIQ+ awareness sessions delivered by Transgender Victoria and provision of case management guide for staff on supporting LGBTIQ+ communities in prison; and
 - 179.4 peer support groups for trans and gender diverse prisoners, and initiatives to assist in expressing gender identity at Hopkins Correctional Centre.

Health service provision in Youth Justice facilities

180. As noted above, detailed information on the provision of health services in Youth Justice facilities is provided in Part 5 of the DJCS agency statement.
181. I acknowledge that while there are some Aboriginal health workers engaged in primary and mental health roles in youth justice custodial settings, significant focus is required to build cultural safety into the provision of these services and ensure that service provision is commensurate to that delivered in the community, particularly for Aboriginal children and young people.
182. Strengthening the cultural safety and appropriateness of healthcare delivery to Aboriginal young people is prioritised through Wirkara Kulpa, the Royal Commission into Victoria's Mental Health System, and other initiatives currently underway to enhance the standards of Aboriginal health and mental health care for young people in custody.
183. For example, Wirkara Kulpa recommended development of an Aboriginal Social and Emotional Wellbeing Strategy, to emphasise positive wellbeing as integral to suicide and self-harm prevention, and address the specific needs of young men, young women, young people with a disability, and LGBTIQ+ children and young people. Work is underway on the development of this Strategy, led by Justice Health, in collaboration with the Aboriginal community and other stakeholders (including the AJC, Koorie Youth Council, VACCHO, the Office of the Chief Psychiatrist, Family Safety Victoria, and the Commission for Children and Young People).

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184. The strategy aims to improve social and emotional wellbeing outcomes for Aboriginal children and young people in the justice system and reduce further contact through:
- 184.1 services and programs that promote positive wellbeing
 - 184.2 the provision of equitable, culturally safe and responsive services
 - 184.3 service integration and coordination to better support young people along their journey
 - 184.4 empowering young people to have agency over decisions affecting their lives.
185. In addition, the new Cherry Creek Youth Justice Precinct, due to open later this year, is moving toward a public health model, engaging a public primary health service provider with an ACCHO deeply embedded in the model to ensure health services are delivered in a culturally appropriate way. In practice, this shift is proposed to include:
- 185.1 Aboriginal Health, CALD Health and family engagement roles embedded within the Primary Health Services team to deliver culturally safe and sensitive care.
 - 185.2 All roles within the team, regardless of whether they are specifically designated to promote culturally safe and inclusive care as a key function, will be expected to deliver care in line with culturally safe principles.
 - 185.3 Introduction of Aboriginal Cultural Training and a mandatory online Aboriginal Cultural training that all staff undertake as part of their training package.
 - 185.4 Exploring opportunities to sub-contract with Wathaurong to provide additional Aboriginal Health Workers and Aboriginal Health Practitioners at Cherry Creek.
186. The new facility at Cherry Creek includes an intensive intervention unit, a specialised health care facility, and two, four room mental health units. Amenities also include an education and vocational skills centre, recreation, faith and spiritual facilities. Once the Cherry Creek facility is operational, Justice Health will also be implementing the Medicare 715 health check at the facility, before expanding it to Parkville and Malmsbury.
187. The first term of the current contract with Correct Care Australia for health care provision at Parkville and Malmsbury ends on 30 June 2024. Justice Health are undertaking a review of current health services to inform government consideration of future service delivery from July 2024.

Part I. Concluding Remarks - Vision for future reform of the Corrections and Youth Justice systems

188. This statement has sought to provide a comprehensive response to the questions posed to me in my capacity as the Minister of Corrections and Minister for Youth Justice, with a view to assisting the Commission to achieve its objectives as outlined in the Letters Patent.
189. As outlined in the Letters Patent, the work of the Commission may inform future treaty reforms, in particular, reforms to the criminal justice system, which the State has committed to with the First Peoples Assembly of Victoria as part of the Treaty Negotiation Framework. Treaty provides Victoria with a pathway to once in a generation reforms, underpinned by a commitment to self-determination, whereby Aboriginal people will have the ability to negotiate and lead significant changes to Victoria's structures and systems of government to achieve greater control over their own lives.
190. While the future vision for the criminal justice system must be informed by the findings and recommendations of this Commission and the treaty process, we know that we must also act now to drive reforms that address identified gaps in the State's policies, programs and structures as they relate to the Corrections and Youth Justice systems, and work to drive down the over-representation of Aboriginal people in the criminal justice system – working with the Aboriginal community, including through the AJF.
191. The recommendations of the Cultural Review provide an important framework through which to commence these reforms and embed lasting cultural change in the adult corrections system.
192. I acknowledge the findings of the Cultural Review that the systems and processes within the adult corrections system continue to amplify the impacts of colonisation, intergenerational trauma and systemic racism and are perpetuating the over-incarceration of Aboriginal people. I am committed to addressing these long-standing issues, to embedding principles of self-determination within the corrections system and to achieving the long-term outcomes identified by the Cultural Review – in particular to build '[a] culturally safer custodial environment for Aboriginal people in custody where their specific needs, rights, identities, histories and humanity are recognised and protected'.
193. The Victorian Government has responded to the Cultural Review and supports the reform directions set out in the Report, acknowledging long-term change and future investment will be required to ensure our prisons, people and communities are safe. As I have described in more detail above, the path forward will involve the development of a corrections workforce strategy, building on the work that is already underway, to improve recruitment, training and support for staff. It will also involve further consultation with the AJC, ACCOs, Aboriginal staff and Aboriginal people in custody and their families to develop a more culturally safe adult custodial corrections system. The DJCS will also review the current legislative framework, which will involve consideration of the range of recommendations for legislative

- change in the Review and engagement with staff, people in custody and key stakeholders to identify ways to modernise and improve the current framework.
194. This reform must build upon the immense body of work that commenced with RCIADIC and has continued through successive AJAs, leveraging off the 23 year partnership that now exists between the Aboriginal community and the Victorian Government – and will also be informed by the work of this Commission.
 195. My vision for the Corrections system is one that is safe, modern and rehabilitative so that it improves community safety in the short and long term. It is a system that prioritises and meets the needs of all people in custody, particularly, the most vulnerable people in custody, to seek to prevent recidivism and promote rehabilitation and break the cycle of incarceration. It is a system that is safe, free from racism and discrimination, and promotes the cultural rights and identities of all people. Realising this vision will require significant change and commitment over time, guided by the recommendations of the Cultural Review and the recommendations of this Commission, and informed by the Aboriginal community.
 196. With respect to Youth Justice, the Government's long-term vision for reform is reflected in the Youth Justice Strategic Plan. The Strategic Plan reflects our 10-year vision for how we will deliver a leading youth justice system in Victoria and provides the roadmap for our ongoing commitment to reforming the youth justice system, to deliver better outcomes for children, young people and their families.
 197. It builds on, and is informed by, the recommendations of the landmark 2017 Armytage and Ogloff Review, the first comprehensive independent review of Victoria's youth justice system in over 16 years. The Armytage and Ogloff Review recognised the need for a different approach to Youth Justice, achieved through a differential response to working with young people. It recommended focusing on age-appropriate responses and remaining conscious of the evidence on youth offending. The review set out ways to improve on many fronts.
 198. We have made some progress on key systemic reforms. As stated above, the Government has committed to introduce a standalone, contemporary Youth Justice Bill. As recommended by the Armytage and Ogloff Review, it is intended that the new legislative model for youth justice will be shaped by guiding youth justice principles designed to: minimise and reduce offending by children; support rehabilitation and positive development; and promote community safety.
 199. My overarching priority for the Bill is that it will establish a lasting, modern and nuanced youth justice framework that is fit for the purpose of diverting young people, including Aboriginal young people, from early contact with the criminal justice system and instead focussing on their safety and rehabilitation to enable them to turn their lives around and realise their full potential. The Government is committed to progressing this legislation and it is my intention to introduce the Youth Justice Bill into Parliament this year.
 200. In addition, work is underway to implement initiatives contained in Wirkara Kulpa, Victoria's first Aboriginal Youth Justice Strategy. This strategy was developed in

partnership with the AJC. Design and implementation of its key initiatives will follow the same approach, to ensure that programs and services meet the needs of local communities.

201. Wirkara Kulpa's vision is that no Aboriginal child or young person is in the youth justice system because they are strong in their culture, connected to families and communities, and living healthy, safe, resilient, thriving and culturally rich lives. I acknowledge that despite our reform efforts, we have a ways to go in realising this vision and overcoming systemic injustices, that has seen the persistent over-representation of Aboriginal children, young people and adults in the criminal justice system.
202. As Minister for Victim Support, I want our victim support services to be culturally safe and address the needs of Aboriginal victims of crime holistically in order to be effective and reduce the likelihood of victims of crime having further contact with the justice system. Recent consultations with Aboriginal victims of crime and sector stakeholders have provided important insights into how we can improve the system and experiences of Aboriginal victims accessing support services, and will inform an Aboriginal Victims of Crime Strategy to be released next year.
203. The findings and recommendations of the Commission will be critical in informing the Government's next steps in further reforming the criminal justice system. I look forward to working with the Commission, and the Victorian Aboriginal community, as we continue to refine our vision, guided by the principles of self-determination and equality.

Sign here:

Print name: ...Enver Erdogan.....

Date:31 March 2023.....

Witness.....

Date31 March 2023.....

Appendix A - List of acronyms

Acronym	Definition or use in this Outline
ACCHO	Aboriginal Community Controlled Health Organisation
ACCO	Aboriginal Community Controlled Organisation
ACM	Aboriginal Case Manager
AJA	Aboriginal Justice Agreement
AJA4	<i>Burra Lotjpa Dunguludja</i> Aboriginal Justice Agreement Phase 4
AJC	Aboriginal Justice Caucus
AJF	Aboriginal Justice Forum
ALO	Aboriginal Liaison Officer
ALRC	Australian Law Reform Commission
AOD	Alcohol and Other Drugs
AWO	Aboriginal Wellbeing Officer
CALD	Culturally and Linguistically Diverse
CCO	Community Correction Order
CCYD	Children's Court Youth Diversion
CCYP	Commission for Children and Young People
CVRP	Corrections Victoria Reintegration Pathway
DATO	Drug and Alcohol Treatment Orders
DFFH	Department of Families, Fairness and Housing
DH	Department of Health
DJCS	Department of Justice and Community Safety
DPFC	Dame Phyllis Frost Centre
FFT	Functional Family Therapy
JARO	Justice Assurance and Review Office
LGBTQI+	Lesbian, Gay, Bisexual, Transgender, Queer, & Intersex+
MST	Multi Systemic Therapy
NJAC	Not Just a Consultancy
OYOW	Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system
RAJAC	Regional Aboriginal Justice Advisory Committees
RCIADIC	Royal Commission into Aboriginal Deaths in Custody
VACCHO	Victorian Aboriginal Community Controlled Health Organisation
YJCSS	Youth Justice Community Support Service
YJGC	Youth Justice Group Conferencing
YSS	Youth Support Service