



# Victorian Aboriginal Legal Service Co-operative Ltd.

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## VALS Discussion Paper re: Aboriginal Community Justice Panel Review

The Aboriginal Justice Agreement highlighted the political & structural challenges faced by the ACJPs. Firstly, it expressed concerns over the impact of funding cuts at Commonwealth level to Aboriginal organisations and the increasing demands thus placed on ACJPs to meet the growing and unmet needs of Indigenous community members. At a structural level, it raised concerns over the stress and pressure ACJP members are faced with in light of the lack of the lack of training and support provided to ACJP members in dealing with complex issues involving the community and police. It also acknowledged that at a local level, ACJPs were not effectively linked to other key Aboriginal and mainstream justice-related services.

This discussion paper and its recommendations are based on a few key points drawn from the ACJP Review (draft). Whilst the value and contribution of the ACJP Program is acknowledged, the Review has highlighted the under-resourcing and over-burdening of the ACJP volunteers.

*“Overall, (this Review) found the Program to be of immense value to the Aboriginal communities served by it, and deserving of recognition and support for the important role it plays in repairing the relationship between Aboriginal people and police, and assisting local indigenous people in accessing criminal justice services” (p.7).*

*“The Program and its volunteers are clearly under-resourced to meet*

*“A Victorian Koori Community Initiative”*

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*the demands placed upon them by the ethos of self-determination. There are needs in every area which are not being met, and good ideas with little or no chance of coming into fruition due to under-resourcing” (p.28).*

*“This report seeks to stress, the needs of the police are not the only ones which should be served by an ACJP...Their primary function is to service the needs of the local Indigenous people” (p.19).*

This paper will discuss and explore the limitations of the ACJP as highlighted by the Review and critique the recommendations made by the Review. This discussion also seeks to explore whether the current structure and administration of the ACJP under the Victoria Police has the capacity to meet the needs and demands of the ACJP Program expanding into more community building, preventative roles.

### ***Reviewing the CJP Review***

The Review acknowledged there were several limitations in their data collection. It noted that the ideal method of data collection would have been to interview ACJPs, community members and local police separately to allow the full range of concerns re the ACJP to be heard. The presence of the Aboriginal Liaison Officer was noted as a possible limitation. It assumed that generally most participants were happy to speak their mind about local issues in the presence of local police. However, it did not address the more glaring and obvious limitation of having police members act as members of the Review Team.

The Review Team relied on the local Aboriginal Liaison Officers to organise for the open forums. The assumption that ALOs across the board were well connected and well-linked to the local Aboriginal community to attract community members to the open forums begs questioning. Granted, some ALOs have commendable relationships with their local Koori community, but in most cases, ALOs may have little to do with the Koori community. It was not surprising that the Review team found some

communities were better represented in some areas than others. Relying solely on ALOs to organise for the open forums should have been thought through more carefully.

The Review team should have conducted interviews with ACJP, community members and police members separately. More importantly perhaps is that the review should have been conducted by *independent* researchers/consultants. The Aboriginal Advisory Unit and/or Victorian Police could have given their input into the review via a steering committee, but by no means is it acceptable for police members themselves (whether in uniform or not), to conduct the review. This undermines the objectivity of not only of the material collected, but the ways in which the data is understood and fed back to the Review team. Making concessions to allow for community people to contact researchers at a later date ignores that by virtue of the fact that a Victoria Police member is conducting the review, the Review team would be viewed as a Victoria Police review. How comfortable would community members be raising their concerns with a member of the review team that clearly has links with the Victoria Police? In two localities the Review noted that there were clear concerns expressed by community of their discomfort of having to express their views in the presence of police (Mildura and Shepparton). The ACJP in Shepparton requested that police be not present at the meeting. Ironically, the focus group meeting in Shepparton was conducted solely by Inspector Boland, in the absence of the independent researcher or a community representative. VALS staff who attended these open forums had similar concerns about the objectivity of the exercise.

### **Voluntary structure**

**The Review acknowledged that a major area which has required attention is the voluntary structure of the ACJPs. The review acknowledged that voluntary structure of the ACJP Program was a key issue of concern for this review. It found however, that its**

**voluntary structure was supported by most of those participating.**

This seems contrary to the information gathered by the Review. In Geelong, the Review found that the fact that the ACJP members were unpaid volunteers was an issue for the panel there. The Review Team also noted that a number of volunteers had stopped their involvement with the ACJP due to pressure of other commitments such as work and family (p. 17). For example, the Review noted that the sole ACJP worker in Dandenong (no longer operational) had to 'retire' from her position due to the demands placed on her and an inability to carry on without a sizeable group of volunteers to share the workload (p.23). In Bairnsdale (no longer operational), the Review found that the ACJP volunteers in that area left the ACJP due to the demands of the job.

In light of this data, the Review did not elaborate the reasons for ACJPS the retaining its voluntary structure. Indeed for many years, most people VALS have spoken to who are/have been involved with the ACJPs have been critical of the lack of a paid position. From VALS' work with the community, the point that has been made time and time again is the need for paid ACJP positions. The only paid ACJP position is the position in Shepparton – and this arrangement appears to be working very well.

Further, despite acknowledging the fact that the voluntary structure of the ACJP Program placed a huge burden on the shoulders of volunteers resulting in burn-out, it recommended that the voluntary structure be retained. The Review Team believed that its voluntary structure resulted in better service delivery to the community and felt that a movement towards a paid model would ultimately be deleterious to the Program as a whole. It failed to state how and why paid positions would be deleterious to the Program.

The ACJP member in Warragul/Moe had expressed her belief that the ACJP should be voluntary and that salaried positions only create animosity and undermine the ethos of the Program. This was not explored or directly addressed by the Review.

The only suggestions it made to counter the difficulties in ACJP recruitment was the suggestion that more young people should be encouraged to be involved. It did not elaborate how young people would be given the skills or expertise to act as volunteers; or whether young people were the appropriate ones to be given those responsibilities. Further, the Review suggested that the ACJPs be made more attractive by *broadening* the scope of the role. The question is, how is an increased workload and responsibility meant to attract more volunteers?

The Review also believed that not only should ACJPs engage in more pro-active work in their respective communities, they have to seek to actively seek out alternate funding (with the help of the AAU and RA-JACS) to fund initiatives and programs. That is, aside from committing themselves to the full range of duties of a ACJP member, the volunteers are to devote more of their spare time to put in for submissions.

### ***Expanding roles of ACJPs***

The Review established that there is much room for development in terms of the capacity of the ACJPs to be proactive in their efforts to improve Aboriginal/police relations, and develop diversionary programs for Aboriginal youth.

Funding to the ACJP has not changed since their inception in 1988. Each Panel receives \$16 000 per annum. \$32 000 per annum is also made available for special grants for ACJP activities. As it stands, the Review expressed the opinion that presently, ACJP volunteers are not well resourced to fulfil the full range of tasks originally envisioned for them. The Review acknowledged that aims and objectives of ACJPs are an extremely broad mandate for ACJPs to fulfil. The Review also acknowledged the fact that at present the level of funding for ACJPs provides little or no scope for community redevelopment projects and diversionary schemes.

Panels across the state have clearly expressed the need for ACJPs to move beyond a reactive function. Nearly all ACJPs spoken to highlighted their desire to be more proactive in their approach (Midura, Bendigo, Echuca, Robinvale, Hamil-

ton/Heywood/Portland, Warrnambool, Bairnsdale). The Review noted that the Warrnambool ACJP has taken to funding proactive projects out of their own pockets.

***How does this increased responsibility take into account the fact that ACJPS are currently over-burdened? Indeed the Aboriginal Justice Agreement made the point that in the climate of continued reduction of Commonwealth funding to Aboriginal organisations, there has already been too great a demand put on CJPs to deliver a broad range of emergency and welfare services.***

Whilst the Review acknowledged the poor resourcing of the ACJPs and recommended that the situation be reassessed, it did not clearly address who should be responsible for reassessing this inadequacy in funding levels. It suggested that the Department of Justice reassess its funding to the ACJPs in light of the expansion of its role and demand for more ACJPs to be set up in various localities (Healesville, Broadmeadows, Dandenong, Bairnsdale/Lake Tyres/Lakes Entrance).

### ***Administration of ACJP***

The Review acknowledged that the Aboriginal Advisory Unit, Victoria Police is under-staffed and under-resourced to be able to adequately provide the support and co-ordination required by this Statewide program (p. 26).

At present the limited resources and the identification of ACJPs as a Victoria Police initiative limits the role that ACJPs play. The question that the Review failed to broach was whether it is more appropriate in light of its present limitations, for ACJPS to be funded from an alternative (preferably Indigenous justice based) organisation (e.g. Indigenous Affairs Unit of Department of Justice, Victorian Aboriginal Legal Service).

Clearly the role of ACJPs as a proactive and preventative body needs clarification. At the heart of it lies the tension between the proactive and reactive possibilities of the Program. The Review noted that in terms of Victoria Police Policy, there is a tendency for the ACJP Program to be subsumed by tasks which inadvertently reinforce public order policing strategies *which are not necessarily in the interest of Indigenous people*. The Review pointed out that the concentration upon removal of people from police custody reduces the focus on the need to reduce the number of people being arrested, especially for minor public order offences.

The question then follows: Is the Victoria Police the right or appropriate place for the ACJPs to be auspiced and administered under? The Review went so far as to highlight this tension, but stopped short of tackling this core question.

In response to these concerns, the Review recommended instead that the Regional Aboriginal Justice Advisory Committees should be involved in coordinating the ACJP at a local level.

The Review found in general that ACJPS had to be better organised so that they are networked with key Aboriginal and mainstream justice agencies. One of the major factors in ACJPs succeeding is the extent of Koori community support and ways must be sought to ensure that ACJPs are effectively plugged into the local networks. Placing the administration of the ACJP under an administrative structure like RAJAC would facilitate better networking and supports for the running and expansion of ACJPs.

The question is: How feasible is it to expect RAJACS to be responsible for monitoring, coordination local ACJPs, approving local initiative etc. What would RAJACS role/function be under the current structure? Would it be required to report and accountable to the Aboriginal Advisory Unit?

### ***Findings***

Additional funds have to be made available to not only enhance the existing roles of ACJPs, but to fund ACJPs to develop and implement preventative programs in their

communities. With the expansion of roles and duties to a more community based, preventative focussed Program, comes the need to reassess whether the Victoria Police is the most appropriate agency to co-ordinate and auspice the ACJPs. In addition, with this proposed expansion of roles, the assumption that the ACJP can continue to be powered by a volunteer pool needs serious re-thinking. It is well recognised that ACJPs have to be better networked with key Aboriginal organisations and other mainstream justice agencies. RAJACS is an example of an initiative by state government in recognising the need for better co-ordination of justice and community based agencies, and the need for programs/projects/initiatives to be locally based and supported by the local indigenous communities they represent. These two factors – need for additional resources and need for better networking and accountability re the ACJPs have to be explored in greater detail than what was done in the Review. The Review is useful to the extent that its findings can be used to bring to the fore the need for more funding and resourcing of ACJPs. However, whilst recognising its limitation/problems, it offered few recommendations or strategic directions to address the identified limitations. This has to be done immediately to ensure that the ACJP continue to grow and build on its capacity to serve the community.

### **VALS Recommendations**

VALS has some key concerns about the current the lack of strategic directions towards addressing these concerns. VALS recommends that a further review needs to occur to:

address the current identified resource constraints facing the ACJP, and find meaningful, realistic and immediate solutions to overcome the over-burdening of the ACJP program and its volunteers;

address the core issue of how community can continue to maintain & improve its running and control of the ACJP;

**include consideration of what organisation(s) would best auspice and support the ACJPs expanding role.**

VALS also recommends that the Department of Justice commit itself to identifying and setting up achievable strategies to reconcile the needs of the growing ACJP Programs with adequate and appropriate resources. This strategic plan should provide solutions to address the over-dependence on Aboriginal communities to provide invaluable service for free; assess the suitability of the Victoria Police in auspicing ACJP Programs as it expands on preventative and community building programs/initiatives; and develop strategies to overcome the over-burdening and under-resourcing of the ACJP program as a whole.