**Aboriginal Community Justice Reports Project**

**Information Sheet**

WHO IS DOING THE PROJECT?

The Victorian Aboriginal Legal Service (VALS) is underaking this project in partnership with the Australasian Institute of Judicial Administration (AIJA), University of Technology Sydney and Griffith University.

WHAT IS THIS PROJECT ABOUT AND WHY ARE WE DOING IT?

This project seeks to improve information in Courts that are sentencing Aboriginal and/or Torres Strait Islander people[[1]](#footnote-1) by enhancing the information supplied to the Court by Aboriginal people. It will also provide case work support for clients.

The reports will be prepared by an Aboriginal writer based on yarning and interviewing clients, their relatives, respected people, Aboriginal organisations, local service providers and other research on the community. It seeks to provide a full picture of the client’s background, community and story.

The report will be submitted to the Court, Elders in Koori County Court and the lawyers in order for it to be considered in the client’s sentencing. It will identify some relevant community-based sentence options.

After the client’s sentence, researchers will ask clients some questions about the experience to evaluate the value of the Aboriginal Community Justice Report and case work.

FUNDING FOR THE PROJECT

Resources for this project are provided by VALS. Funding is from the Australian Research Council, AIJA, the University of Technology Sydney and Griffith University.

WHO CAN PARTICIPATE?

An Aboriginal person who has a sentencing matter in the County Koori Court division or in the general list before a judge who is eligible to sit in the Koori Court division, and the lawyer can refer the matter to the ACJR project. A referral form is submitted by the lawyer. The time frames for the matter and the number of applications will determine whether a matter proceeds to a full assessment.

IF THE MATTER PROCEEDS TO BE ACCEPTED FOR AN ACJR, WHAT WILL IT INVOLVE?

Our report writer will yarn with the client about their background and prepare an Aboriginal Community Justice Report for their sentence hearing. This requires up to 4 meetings in-person (at a VALS office, community centre or where they feel safe), on AVL or on the phone. They can have support people with them. With their permission, we will audio record these meetings to assist preparing the report. The client can have a break at any time.

The client will be asked about:

* Their mob and family;
* Where they grew up;
* Significant events and disruptions to their life;
* What they like doing and with whom they are connected;
* What they need for healing, support and/or moving forward.

Our case worker will support them during and after this process and can help them access services and healing supports to address their needs. We will also be speaking to relevant family members and respected people in the community about their circumstances and supports in the community.

The report will be submitted to the Court and to the lawyers and the client will be given a copy.

After sentencing, the project researchers will ask the client to participate in an interview for about half an hour. They will be asked about the report and the case work support. They will be given a $30 Coles voucher for their time and will be invited to bring a support person. This interview will be audio recorded with the client’s permission. This will contribute to an evaluation of the reports. We will de-identify the client’s responses, so any publications will not disclose their name or identity.

They can withdraw from the project at any time.

VALS is not charging for the production of an Aboriginal Community Justice Report.

ARE THERE ANY RISKS/INCONVENIENCES?

The main risk to clients is that answering some of the questions may cause them to feel sadness, distress or re-traumatisation. They do not have to talk about anything that makes them feel like this and they can retract their responses or end the meeting at any time.

The client can withdraw from the project at any time. The caseworker will be available to the client during the report preparation process to provide emotional support and link them with professional services.

The client’s answers will not be passed on to any government agency outside of those participating in the sentencing hearing. If another agency applies to the Court to access the Aboriginal Community Justice Report, VALS will request that it not be shared. For the research component of this project, researchers will only ask the client about resolved criminal matters.

We have a legal obligation to disclose an offence to police if we have information that leads us to form a ‘reasonable belief’ that an adult has sexually offended against a child under 16 in Victoria, where the alleged victim was still aged under 16 on 27 October 2014.

DOES THE CLIENT HAVE TO SAY YES?

They do not have to say yes. Participation in this project is voluntary. It is completely up to them whether or not they decide to take part.

WHAT WILL HAPPEN IF THE CLIENT SAYS NO?

If the client decides not to participate, there are no consequences and we will thank them for their time. Their decision will not affect their relationship with VALS, their lawyer, UTS or Griffith University.

CONFIDENTIALITY

By signing the consent form that will be provided to them, the client consents to the project team collecting and using the information given to us for this project, which involves both the preparation of a report for their sentencing hearing and research about the outcomes and impact of the reports on sentencing.

**Report:**

We will provide them with a copy of their report before it is submitted to the Court. Their lawyer, the prosecution, the Judge and Elders in the Koori County Court will receive a copy of their report. During the sentencing process, the lawyers, Judge and Elders may refer to the report or have questions related to information in the report. We can request they not to discuss in Court any sensitive material that they identify.

**Research:**

The researchers will talk with clients, lawyers, Elders in Koori Court and judges after the sentence to hear their thoughts about the report writing process and the outcomes and impact of the report on sentencing. They can have a support person with them. The researchers will also observe Court or read the Court transcript and review the report. This information will help the researchers evaluate the project and produce publications (reports, books, conference papers, journals, digital and media content). All information that clients provide to the researchers will be de-identified, so the client’s and others’ information will be confidential. No one will know that it is them giving the information.

We will give the client access to our findings. We hope these publications will help improve criminal sentencing processes for Aboriginal and/or Torres Strait Islander people and reduce incarceration.

WHAT IF I HAVE CONCERNS OR A COMPLAINT?

If you have concerns about the project that you think we can help you with, please contact Thalia Anthony on (02) 9514 9665. You can contact our local independent Aboriginal contact person Ms Elouise Shnierer on (02) 9263 4497.

This study has been approved by the University of Technology Sydney Human Research Ethics Committee. If you have any concerns or complaints about any aspect of the conduct of this research, please contact the Ethics Secretariat on ph. 02 95142478, and quote the reference number ETH19-4374. Any matter raised will be treated confidentially, investigated and you will be informed of the outcome.

**If you have further questions, please contact Andreea Lachsz at** [**alachsz@vals.org.au**](mailto:alachsz@vals.org.au)

1. The term Aboriginal is used throughout this information sheet to refer to Aboriginal and/or Torres Strait Islander peoples. [↑](#footnote-ref-1)