



## Royal Commission into Aboriginal Deaths in Custody Recommendation

### 110. National study of pre and post-release supports

*That in view of the wide variety of pre-release and post-release support schemes conducted by Corrective Services authorities and other agencies and organisations in various parts of the country it is the view of the Commission that a national study designed to ascertain the best features of existing schemes with a view to ensuring their widespread application is highly desirable. In such a study it is most important that consultation take place with relevant Aboriginal organisations.<sup>1</sup>*

<b>Background<sup>2</sup></b>	The Royal Commission into Aboriginal Deaths in Custody emphasised the importance of pre-release and post-release support schemes in reducing rates of Aboriginal imprisonment.
<b>Intent</b>	Conduct a national study, in consultation with relevant Aboriginal organisations, to identify 'best practice' in pre- and post-release schemes to support broader implementation.
<b>Responsibility</b>	Commonwealth Government.
<b>Key contacts</b>	Corrections Victoria (CV), Youth Justice (YJ), Department of Justice and Community Safety (DJCS).

#### Key action taken

<b>2005 Review<sup>3</sup></b>	<p>The Department of Justice assessed Recommendation 110 as <b>partially implemented</b>.</p> <p><b>Department of Justice</b></p> <p>While no national study had been undertaken at the time of the 2005 Review, Corrections Victoria had commissioned a 2001 'Transition from Custody to Community' survey which reviewed international research on transitional support services. The report found solid evidence that such services effectively eased the transition from custody to community and could help delay or prevent reoffending as part of an integrated response.</p> <p>The report did not identify the specific transition needs of Aboriginal people in prison but noted they were being addressed through development of an education, employment, and training strategy and adapting a housing pilot for Aboriginal people exiting prison.</p> <p>A framework for transitional services was developed which emphasised the need for culturally appropriate service delivery and included specific initiatives for Aboriginal people in prison.</p> <p>The Bridging the Gap program required funded agencies to target Aboriginal prisoners proportionately and deliver culturally appropriate services. The THM-Corrections Housing</p>
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<sup>1</sup> Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991) vol 3, 96 ('RCIADIC').

<sup>2</sup> Ibid vol 3, 92-96 [22.5.1].

<sup>3</sup> Aboriginal Justice Forum (Vic), Department of Justice (Vic), *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (Review Report, October 2005) vol 3, 605-606 ('2005 Review').

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	<p>Pathways Initiative assessed all Aboriginal people in prison for eligibility, with six per cent participating and 8.6 per cent receiving transitional housing.</p> <p>A protocol between Corrections Victoria and Centrelink, signed in April 2004, aimed to prevent debt and provide pre-release assistance for all prisoners, including Aboriginal study expense claims. Additionally, the Koori Education, Training, and Employment Strategy was developed to address the specific needs of Aboriginal prisoners and offenders, following extensive consultation with Aboriginal stakeholders.</p>
<b>2018 Review<sup>4</sup></b>	<p>Deloitte considered Recommendation 110 to be the sole responsibility of the Commonwealth Government, concluding that it had been indirectly addressed through other national reports focusing on the needs and/or experiences of Aboriginal people. Additionally, Deloitte noted that \$17.6 million was allocated in the 2017-18 Budget for the Prison to Work program to support Aboriginal people in prison to transition successfully from prison to work.</p>
<b>Since then</b>	<p><b>Commonwealth Government</b></p> <p><u>Prison to Work Report<sup>5</sup></u></p> <p>The 2016 Prison to Work report described the concept of ‘throughcare’ in the following terms:</p> <p><i>Prisoner throughcare projects provide comprehensive case management for a prisoner in the lead up to their release from prison and throughout their transition to life outside. Projects aim to make sure prisoners receive the services they need for successful rehabilitation into the community... Good throughcare ‘starts in custody well before walking out of the prison gate’, and provides hands on, intensive support, especially at the moment of release.</i></p> <p>The Prison to Work definition emphasised the need for intervention, service coordination, and support at all critical stages, not just upon release. Throughcare programs typically provide intensive one-on-one rehabilitation, structured assessments, and individualised case plans starting before release and continuing in the community. These programs were said to be more effective for Aboriginal people when they were culturally competent, strength-based, and involved Aboriginal-controlled or ex-prisoner organisations.</p> <p>The 2016 Prison to Work Report prompted the Department of Prime Minister and Cabinet to initiate a best-practice prisoner-through-care model.</p> <p><u>Australian Law Reform Commission, Pathways to Justice<sup>6</sup></u></p> <p>In 2018, Pathways to Justice: Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples made 35 recommendations to Parliament aimed at addressing high incarceration rates among Aboriginal and Torres Strait Islander peoples and enhancing community safety.</p>

<sup>4</sup> Deloitte Access Economics, Department of Prime Minister and Cabinet, *Review of the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody* (Report, August 2018) 212-213 ('2018 Review').

<sup>5</sup> Council of Australian Governments (COAG), Commonwealth Government, *Prison to Work Report* (Report 2016) ('Prison to Work Report').

<sup>6</sup> Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report No 133, December 2017) ('Pathways to Justice').

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Emphasising the importance of governments collaborating with Aboriginal organisations to reduce incarceration rates, the Australian Law Reform Commission (ALRC) recommended creating prison programs that address offending behaviours and prepare individuals for release. They proposed that local involvement be achieved through Aboriginal Justice Agreements, and justice reinvestment focused on tailored, community-specific solutions to address the root causes of incarceration.

### Indigenous Justice Clearinghouse, Effective Throughcare Approaches<sup>7</sup>

In response to the Pathways to Justice Inquiry finding that cycles of reoffending can arise when people are released from prison without support to transition into the community, the Indigenous Justice Clearinghouse published a brief titled 'Effective Throughcare Approaches'. The brief highlighted the need for culturally relevant throughcare programs that actively engage local Aboriginal communities and organisations from the outset. It pointed to existing community development initiatives and case studies, such as the Western Australia Fairbridge Bindjareb program, as models demonstrating the effectiveness of community participation. Such involvement was said to ensure that programs are tailored to the specific needs of Aboriginal people, enhancing their success and acceptance within the community when released from prison.

### **Victoria**

### Victorian Ombudsman, Investigation into the Rehabilitation and Reintegration of Prisoners in Victoria<sup>8</sup>

In 2014-15, the Victorian Ombudsman investigated rehabilitation and transitional services for prisoners in Victoria. It was found that the data and research available on outcomes for those who left prison in Victoria was limited. There had been 'no comprehensive review of the post-release experience which could better inform planning and support programs for transition and release.' It noted that:

*While Corrections Victoria funds post-release support for specific prisoners for a defined period of time, the needs of the majority of prisoners are met through accessing non-government organisations, the public health system and the support of family and friends.*

*In Victoria there is no medium security prison or a transition centre for women, and so there are fewer options for a staged transition through security levels to assist with preparation for release.*

The Victorian Council of Social Service, submitted the following statement to the Ombudsman:

*For Aboriginal prisoners, pre-release programs should look at connecting prisoners with family and community for additional supports and making referrals to Aboriginal*

<sup>7</sup> Andrew Day, Lynore Geia and Armon Tamatea, Indigenous Justice Clearinghouse, *Towards effective throughcare approaches for Indigenous people leaving prison in Australia and New Zealand* (Research Brief 25, August 2019) ('Towards effective throughcare approaches for Indigenous people leaving prison in Australia and New Zealand').

<sup>8</sup> Victorian Ombudsman, *Investigation into the Rehabilitation and Reintegration of prisoners in Victoria* (Investigation Reports, 17 September 2015) 103, 109, 121 ('Investigation into the Rehabilitation and Reintegration of prisoners in Victoria').

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*Community Controlled organisations for their ongoing services, if that individual prisoner wishes to use these.*

Victorian Association for the Care and Resettlement of Offenders, Towards a Practice Framework for Throughcare Reintegration Programs<sup>9</sup>

This report discusses the challenges faced by individuals after prison release, including unstable housing, unemployment, and psychological stress, which can contribute to recidivism. It highlights the mixed effectiveness of multi-modal reintegration programs that offer comprehensive support across areas like employment, housing, and substance abuse.

The paper found that the Corrections Victoria Reintegration Pathway framework, primarily based on the Risk-Need-Responsivity model, assesses criminogenic risks and needs but has limitations in guiding effective practice.

A new Reintegration Practice Framework was developed to address these issues, integrating desistance theory, the capability approach, and throughcare service design. This framework emphasises enhancing individuals' substantive freedoms through tailored support in various life domains, aiming to sustain desistance and improve overall freedom by aligning theoretical insights with practical interventions.

### Evidence of impact

#### Authorising documents

None identified.

#### Outputs

None identified.

#### Outcomes

The Prison to Work Report and the Indigenous Justice Clearinghouse's 'Effective Throughcare Approaches' brief both emphasise the importance of culturally relevant throughcare programs that engage Indigenous communities from the outset.

In Victoria, earlier reintegration programs like Bridging the Gap and the Correctional Services Employment Pilot focused on throughcare principles, aiming to provide comprehensive and culturally appropriate support for Aboriginal people. While their core ideas have been absorbed into newer reintegration initiatives such as the Koori Education, Training, and Employment Strategy and the Corrections Victoria Reintegration Pathway framework, there is limited evidence of their effectiveness, particularly in terms of reducing reoffending or improving post-release outcomes for Aboriginal people.

<sup>9</sup> Victorian Association for the Care and Resettlement of Offenders, 'Towards a Practice Framework for Throughcare Reintegration Programs' (Manuscript for Hart, A., Gelb, K., & Martinovic, M. (in press), 2023) <<https://www.vacro.org.au/Handlers/Download.ashx?IDMF=fbe8748a-ff5d-41fc-9764-3de518b31a27>>.

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### Community views

#### Victorian Aboriginal Community Controlled Health Organisation<sup>10</sup>

*Connecting people with culturally appropriate services and support once they are in the criminal justice system or prior to being released from prison is essential to healing and reducing the rate of reoffending.*

### Related recommendations

#### ALRC, Pathways to Justice<sup>11</sup>

#### Recommendation 9-1

State and territory corrective services agencies should develop prison programs with relevant Aboriginal and Torres Strait Islander organisations that address offending behaviours and/or prepare people for release. These programs should be made available to prisoners held on remand, prisoners serving short sentences, and female Aboriginal and Torres Strait Islander prisoners.

#### 2005 Review<sup>12</sup>

#### Recommendation 148

That the Department of Justice (Corrections Victoria):

- a) place more emphasis on the delivery of post-release programs for Indigenous prisoners commencing with the development of a national directory of Indigenous prison programs and services; and
- b) monitor the current developments in the field of education, training and transitional programs within the correctional system to ensure that they deliver the desired outcomes for Indigenous prisoners; and

That the Victorian Government continue to implement and monitor Recommendation 110.

### Assessment summary<sup>13</sup>

The intent of Recommendation 110 was to conduct a national study to identify the best features of existing pre-release and post-release support schemes across the country, with the aim of ensuring their widespread application. The study was to include consultation with relevant Aboriginal organisations to ensure the programs are effective and culturally appropriate.

While we confirmed Recommendation 110 was a Commonwealth responsibility, a Victorian-specific study on pre and post release support schemes and their effectiveness for Aboriginal participants and their families could identify areas for improvement in Victoria.

*There are providers here in Victoria, whether it be Corrections Victoria or other justice agency, they certainly have a moral responsibility to look at funding a review of this in Victoria.* (Lawrence Moser, Chairperson, Eastern Metropolitan Regional Aboriginal Justice Advisory Committee)

<sup>10</sup> Victorian Aboriginal Community Controlled Health Organisation (VACCHO), *VACCHO Submission to the Yoorrook Justice Commission Addressing the Historical and Ongoing Systemic Injustice Experienced by Aboriginal People in the Child Protection and Criminal Justice Systems in Victoria* (Submission to Yoorrook NUT.0001.0041.0003, 5 December 2022) ('VACCHO submission to Yoorrook').

<sup>11</sup> *Pathways to Justice*.

<sup>12</sup> *2005 Review*, 648.

<sup>13</sup> Meeting with Aboriginal Justice Caucus Working Group (Project Team, In Person, 4 November 2022) ('*Working Group Meeting (4 November 2022)*'); Meeting with Aboriginal Justice Caucus (Project Team, In person, 26 March 2025) ('*Aboriginal Justice Caucus Meeting (26 March 2025)*').

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