



Royal Commission into Aboriginal Deaths in Custody Recommendation

94. Personal development courses to count for community service

That:

- a) Sentencing and correctional authorities should accept that community service may be performed in many ways by an offender placed on a community service order; and
- b) Consistent with the object of ensuring that offenders do not re-offend, approval should be given, where appropriate, for offenders to perform Community Service work by pursuing personal development courses which might provide the offender with skills, knowledge, interests, treatment or counselling likely to reduce the risk of re-offending.¹

Background²	<p>The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) emphasised the critical need for alternative sentencing options that focused on rehabilitation to address the high rates of recidivism among Aboriginal people. The Commission highlighted how the ‘vicious cycle’ of re-offending and re-imprisonment often continued due to social and economic factors, including limited education, employment prospects, and systemic failures to provide effective rehabilitation.</p> <p>To break this cycle, the RCIADIC recommended that sentencing and correctional authorities recognise the value of community service orders, including personal development courses. Such courses, aimed at skill-building, treatment, and counselling, could help reduce the risk of re-offending by addressing the underlying factors contributing to recidivism, thereby offering a more effective and rehabilitative alternative to imprisonment.</p>
Intent	That sentencing and correctional authorities accept and approve participation in personal development courses as community service.
Responsibility	All state and territory governments.
Key contacts	Corrections Victoria (CV), Department of Justice and Community Safety (DJCS).
Key action taken	
2005 Review³	<p>The Department of Justice assessed part (a) of Recommendation 94 as partially implemented, and part (b) as fully implemented.</p> <p>Department of Justice</p> <p>Corrections Victoria reported that:</p>

¹ Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991) vol 3, 70 ('RCIADIC').

² Ibid vol 3, 68- 70 [22.3.1]

³ 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 1, 516-520 ('2005 Review').

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- People on Community-Based Orders had various work options, including gardening, administrative tasks, and roles in libraries, nursing homes and environmental projects.
- Aboriginal people could work with Aboriginal or non-Aboriginal organisations if community work sites met Corrections Victoria’s criteria, with formal agreements outlining roles and expectations. Challenges included difficulties obtaining documentation and differing views on supervision and expectations within Aboriginal organisations.
- Legislation initially separated community work and personal development, but Corrections Victoria advocated for amendments to allow credit for activities to reduce re-offending.
- They worked to create community work programs that provided skill development, including TAFE certificates and supported Aboriginal people with relevant placements.
- Personal development programs like the Aboriginal Cultural Immersion Program were introduced, focusing on cultural identity and spirituality to address offending behaviour.
- In 2004, further efforts were made to amend legislation for Intensive Corrections Orders to credit personal development programs against community work obligations. An example was the Cultural Appreciation Program and Environmental Scheme, a pilot involving Aboriginal offenders in culturally significant environmental work and TAFE modules. The project, evaluated for long-term feasibility and funding, involved collaboration with Trust for Nature, Parks Victoria, and Sunraysia TAFE.

2018 Review⁴

Deloitte concluded that Recommendation 94 was **fully implemented** in Victoria as legislation allowed treatment and rehabilitation to count as community work.

Since then

Fines Victoria⁵

The Work and Development Permit (WDP) scheme offers vulnerable and disadvantaged individuals a way to address their fine debts by engaging in various activities or treatments. To participate, individuals must work with a sponsor—an accredited organisation or health practitioner—who oversees their WDP activities. Eligible participants include those experiencing substance addiction, homelessness, severe financial hardship, family violence or who have physical or intellectual disabilities. Activities under a WDP can include unpaid work, medical or psychological treatment, educational or vocational courses, and various forms of counselling.

The WDP scheme operates according to guidelines established by the Attorney-General. Fines that have specific sanctions applied or are issued by courts cannot be included in a WDP. Enforcement actions are paused for fines being paid off via a WDP.

In addition to the WDP scheme, there are several other options for managing fines. These include paying the fine in full or through instalments; requesting a review based on special

⁴ 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) 186-187 ('2018 Review').

⁵ Department of Justice and Community Safety (Vic), 'Work and Development Permit Scheme', *Victoria State Government: Justice and Community Safety* (Web Page 20 May 2024) <<https://www.justice.vic.gov.au/wdp>> ('Work and Development Permit Scheme').

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circumstances; seeking a review of enforcement actions; choosing to have the matter resolved by a magistrate; addressing fines through the family violence scheme or participating in the prison program for dealing with fines.

Each option has specific criteria, and suitability depends on individual circumstances.

Corrections Victoria⁶

Corrections Victoria oversees community work programs as part of offenders' rehabilitation. These programs require offenders to engage in unpaid tasks to contribute to the community while developing work-related skills and reducing the likelihood of reoffending. Activities include outdoor tasks like graffiti removal and park maintenance and indoor work such as cooking and toy making. Corrections Victoria partners with government and non-government organisations to manage these programs, which are designed to accommodate various needs, including physical or mental disabilities, cultural differences, and childcare responsibilities.

Evidence of impact

Authorising documents

Sentencing Act 1991 (Vic)⁷

Section 48CA of this Act allows treatment and rehabilitation to be counted as hours of unpaid community work:

- (1) *This section applies if a court when making a community correction order attaches both an unpaid community work condition and a treatment and rehabilitation condition to the order.*
- (2) *The court may determine that some or all of the hours satisfactorily undertaken for treatment and rehabilitation are to be counted as hours of unpaid community work for the purposes of the unpaid community work condition.*
- (3) *If a court makes a determination under subsection (2) but does not specify the number of hours undertaken for treatment and rehabilitation that are to be counted as hours of unpaid community work for the purposes of the unpaid community work condition then all of the hours satisfactorily undertaken for treatment and rehabilitation are to be so counted as hours of unpaid community work.*

Fines Reform Act 2014 (Vic)⁸

Section 2 of this Act outlines provisions for work and development permits:

A work and development permit is a permit issued by the Director to an eligible person that enables the eligible person to expiate any infringement offence without payment of any outstanding infringement fine or any outstanding amount under a registered collection and enforcement order made in relation to an outstanding registered infringement fine by—

⁶ Corrections Victoria, 'Community Work', *Corrections, Prisons and Parole* (Web Page, 5 July 2024)

<<https://www.corrections.vic.gov.au/community-corrections/community-work>> ('Community Work').

⁷ *Sentencing Act 1991 (Vic)* ('Sentencing Act').

⁸ *Fines Reform Act 2014 (Vic)* ('Fines Reform Act').

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	<p>(a) participating in unpaid work under the supervision of an accredited agency; or</p> <p>(b) completing a suitable course, including educational, vocational or life skills courses; or</p> <p>(c) undergoing treatment given by an accredited health practitioner; or</p> <p>(d) receiving financial or other types of counselling; or</p> <p>(e) in the case of an eligible person under the age of 25 years, participating in a mentoring program.</p>
Outputs	<p>Victoria's Work and Development Permit (WDP) scheme provides a framework for addressing fine debts through various activities, including personal development courses, treatment, and vocational training. This scheme supports people with unpaid fines to gain skills and improve their circumstances, which is consistent with the recommendation's intent.</p> <p>Corrections Victoria's community work programs support personal development and skill acquisition. They focus on rehabilitation by providing structured work opportunities and training. Wherever possible, participants are placed in programs that benefit both them and the community, such as through the Local Justice Worker Program, where culturally appropriate work sites and opportunities can be identified. However, it remains unclear how much choice participants have in their community work placements and whether personal development courses are among these options.</p>
Outcomes	<p>There is evidence of positive outcomes from the Work and Development Permit (WDP) scheme, with more than 18 Aboriginal Community Controlled Organisation (ACCO) sponsors offering a range of personal development options. Information on the number of WDPs being supported by Aboriginal organisations and the value of expiated fines is reported via the Aboriginal Justice website.⁹</p> <p>In contrast, evidence is not readily available on the extent to which treatment and rehabilitation is counted as unpaid community work hours for Aboriginal people on community corrections orders.</p>
Community views	None identified.
Related recommendations	
2005 Review¹⁰	<p>Recommendation 120</p> <p>That the Department of Justice (Corrections Victoria) provide a report to the Aboriginal Justice Forum in relation to the evaluation of the Cultural Appreciation Program and Environmental Scheme.</p>

⁹ Department of Justice and Community Safety, 'Support the Work and Development Permit Scheme', *Aboriginal Justice* (Web page, June 2025) <<https://www.aboriginaljustice.vic.gov.au/the-agreement/aboriginal-justice-outcomes-framework/goal-23-fewer-aboriginal-people-progress-8>> ('Support the Work and Development Permit Scheme').

¹⁰ 2005 Review, Vol 1, 635.

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That the Victorian Government continue to implement Recommendation 94 through any monitoring process established as a consequence of this Review.

Assessment summary¹¹

The intent of Recommendation 94 was for sentencing and correctional authorities to accept and approve participation in personal development courses as community service. This could help to reduce recidivism by equipping people with skills, knowledge and/or providing treatment that could lower the risk of re-offending.

Victoria's Work and Development Permit (WDP) scheme was established under the *Fines Reform Act 2014* (Vic). It provides a framework for vulnerable individuals to address their fine debts through various activities, including personal development courses, treatment, and vocational training. Similarly, the *Sentencing Act 1991* (Vic) provides for treatment and rehabilitation to be counted as hours of unpaid community work if a person is on a community correction order with both unpaid community work and treatment and rehabilitation conditions.

The WDP scheme and Corrections Victoria's community work programs are designed to support personal development and skill acquisition and focus on rehabilitation by providing structured work opportunities, treatment and training. They both aim to help people gain skills and improve their circumstances, consistent with the intent of Recommendation 94.

Under the WDP scheme more than 18 Aboriginal organisations have become accredited sponsors and are able to provide treatment and personal development programs to Aboriginal people with unpaid fines. Information on the number of WDPs being supported by Aboriginal organisations and the value of expiated fines is reported on the Aboriginal Justice website. In contrast, evidence is not readily available on the extent to which treatment and rehabilitation is counted as unpaid community work hours for Aboriginal people on community corrections orders.

Better information, and reporting could assist more people with rehabilitation and treatment conditions on their orders and/or unpaid fines:

Even in the fine space, the understanding of the WDP scheme, its rollout and leniency is really dependent on the knowledge of staff and the Local Justice Worker Program or them being able to chase up information. Teachers involved in the program are not consistently responding to requests to record participant's hours, leading to frustration and complications due to incomplete records...so, further workforce development and the professionalisation of the WDP space, such as the handling of fines needs to change to address these problems. (Ebony Hickey, Chairperson, Barwon South West RAJAC).

¹¹Meeting with Aboriginal Justice Caucus Working Group (Project Team, In Person 28 August 2024) ('Working Group Meeting (28 August 2024)'); Meeting with Aboriginal Justice Caucus (Project Team, In Person, 23 October 2024) ('Aboriginal Justice Caucus (23 October 2024)').

Assessment of Recommendation 94

Is the intent of the recommendation accurately described?

Yes No

Does the action taken align with the intent of the recommendation?

0 – No action taken

1 – Action taken is of little relevance to the intent of the recommendation

2 – Action taken partially aligns with the intent of the recommendation

3 – Action taken fully aligns with the intent of the recommendation

2

(Score out of 3)

Is there evidence of the desired impact or outcome/s?

0 – No evidence

1 – Evidence of output rather than outcome

2 – Some evidence action contributed to outcome/s

3 – Clear link between action and impact or outcome/s

2

(Score out of 3)

How relevant is the recommendation in the current context?

0 – No relevance – refers to practices, agencies or laws that no longer exist

1 – Low – some relevance, but most aspects of the recommendation no longer apply

2 – Moderate – remains relevant, but some aspects of recommendation no longer apply

3 – High – entirely relevant to current context

3

(Score out of 3)

Does full implementation have the potential to reduce incarceration, increase safety in custody and/or progress Aboriginal self-determination?

0 – No potential to improve Aboriginal justice outcomes

1 – Low – potential to improve Aboriginal justice outcomes, but none of the three identified

2 – Moderate – potential to progress one or two of the outcomes identified

3 – High – potential to reduce incarceration AND increase safety in custody AND self-determination

1.5

(Score out of 3)

Potential actions for further work

Ensure a broader range of treatment and personal development courses are available as alternatives to unpaid community work and provide data on their uptake by Aboriginal people on orders.

Corrections and Justice Services to provide more information on the full range of treatment, personal development and rehabilitation courses that can count towards ‘unpaid community work hours.’ Provide data on the extent to which treatment and rehabilitation is counted as unpaid community work hours for Aboriginal people in community correction orders, as well as the number of orders with both community work and treatment and rehabilitation conditions.

Workforce development for program and service providers for the Work and Development Permit scheme.

High priority for further work

Relevance and potential impact

		Low (0-2)	Moderate (3-4)	High (5-6)
Extent of action taken and evidence of outcomes	High (5-6)			
	Moderate (3-4)			Rec 94
	Low (0-2)			

Bibliography

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