‘NOTHING ABOUT US WITHOUT US’:

CO-DESIGNING YOUTH JUSTICE IN THE KIMBERLEY

AIATSIS Co-Design & Engagement Infographics – February 2020

ACKNOWLEDGEMENTS

Warning

This document may contain names and pictures of people who have passed away.

Compilation

Nothing About Us Without Us: Co-Designing Youth Justice in the Kimberley was compiled by the Kimberley Aboriginal Law & Cultural Centre with input from Gordon Marshall, Damien Parriman, Merle Carter, Cissy Gore-Birch, Melissa Marshall, Wes Morris and Rowena O'Byrne-Bowland.

Input from the Kimberley Juvenile Justice Strategy community workshops and one-on-one interviews is documented here from representatives of Aboriginal organisations, Local and State Government representatives, and Non-Government Organisations working across the region.

Front Artwork

Used with their permission, the front artwork depicts the co-design and engagement infographics that were developed by the Australian Institute of Aboriginal and Torres Strait Islander Studies as part of their February 2020 Nyiyanang Wuunggalu (Let's Work Together) – But on Indigenous Terms Symposium.

Disclaimer

The information contained herein was current at the time of publication. While details may change, the fundamentals identified in the co-designed consultation at this time remain true.

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EXECUTIVE SUMMARY

INTRODUCTION

The Kimberley Aboriginal Law and Cultural Centre (KALACC) part of a strong united collective of Kimberley-based Aboriginal Community Controlled Organisations (ACCOs). We have long been active in the juvenile justice space, previously calling for holistic improvements to the justice system to address the startling rates of youth suicide and incarceration in the Kimberley. *Appendix 1* provides an overview of the broad suite of reports that have been generated and/or contributed to by Kimberley-based ACCOs, including KALACC.

The recent *Kooljaman Statement* issued by KALACC, the Kimberley Land Council (KLC), the Kimberley Language Resource Centre (KLRC) and Aarnja states the following:

> As the peak Aboriginal organisations in the Kimberley, we know that change is only possible if Kimberley Aboriginal people participate, lead and determine the development of socio-economic, cultural and governance strategies and programs delivered in our region. Our role in this process must be acknowledged and resourced to deliver successful, meaningful and sustainable outcomes […] Our future needs a voice, and it must be our voice (p1–2).

It is clear that shared decision-making, co-design and building the capacity of ACCOs are key principles underpinning the future directions of Indigenous Affairs policy in this nation. As highlighted by the Kimberley Juvenile Justice Strategy (KJJS) process that is explored within the section titled 'Opportunities: The Kimberley Juvenile Justice Strategy' of this document, it is important that engagement with ACCOs is a genuine collaboration rather than mere consultation.

Within this context, KALACC looks forward to working with the State and Commonwealth Governments through true co-design processes to develop better social and emotional wellbeing outcomes for the young people in the Kimberley.

Document Purpose

The purpose of this document is to:

- Define and outline the principles of true co-design
- Provide an overview of useful tools and strategies that will foster true co-design between the Government and local communities
- Identify current macro Government processes that incorporate these co-design principles and must be foundational for future co-design processes
- Demonstrate the ways in which co-design can be implemented in the KJJS – which represents a prospective outline for a KJJS Implementation Plan

WHAT IS CO-DESIGN AND WHAT ARE CO-DESIGN PRINCIPLES?

Co-design provides an equal voice to Indigenous stakeholders regarding the programs, strategies and infrastructure that directly affect Indigenous communities. Recognising the value of traditional cultural knowledge, co-design in this context is a collaborative process between the Government and Aboriginal communities. It aims to create outcomes that are meaningful and serviceable to Indigenous communities, supporting on-the-ground cultural initiatives and fostering Aboriginal empowerment and ownership in the short-, medium- and long-term. It is far more than a mere consultation process.

Current Government understanding of co-design processes is reflected in the State Department of Communities' *Aboriginal Controlled Community Organisations Strategy to 2022* and the State Department of Finance's *Planning in Partnership Guide: Undertaking Co-Design Under the Delivering Community Services in Partnership Policy (Planning in Partnership Guide)*.

The latter document in particular provides a veritable wealth of information about how to implement a co-design process. This could be used as an invaluable tool in assisting the Department of Justice to commence consideration of how it can work effectively within a co-design and co-production approach moving forward. It includes a suggested Co-Design Plan that is captured on page 12 of this document.

USEFUL TOOLS TO FACILITATE TRUE CO-DESIGN

Below are our recommendations for useful tools that will ensure any strategies co-designed by the Government and Aboriginal communities are successful and maximise the social and emotional wellbeing outcomes for young people in the Kimberley:

- *WA Council of Social Service (WACOSS) Co-design Toolkit* (see pages 12–13)
- Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) co-design and engagement principle infographics – see page 13, as depicted on the front cover of this document
- Law Reform Commission and Binarri-Binyja Yarrawoo principles (see page 14)
- *Partnering with Aboriginal Community Controlled Organisations to deliver trusted services with stronger outcomes for Aboriginal people* by WACOSS and the Noongar Family Safety and Wellbeing Council (see pages 14–15)

CURRENT MACRO PROCESSES MUST BE CENTRAL TO CO-DESIGN

Three significant macro Government processes are underway regarding Aboriginal wellbeing and socio-economic outcomes, with critical associated documents having been released in 2020. These documents provide a pathway forward and must be integrated into any co-design processes between the Government and Indigenous communities from the outset, namely:

- 2020 *National Agreement on Closing the Gap* – Commonwealth Government, all State Governments and the Coalition of Aboriginal and Torres Strait Islander Peak Organisations (see pages 17–19)
- 2020 *Commitment to Aboriginal Youth Wellbeing* – WA Government (see pages 17; 19–20)
- 2019 *A Path Forward: Developing the Western Australian Government's Aboriginal Empowerment Strategy (Aboriginal Empowerment Strategy Discussion Paper)* – WA Government (see pages 17; 21)

THE NEED FOR CULTURALLY-BASED INITIATIVES

Ongoing support of cultural programs – particularly those which help and facilitate young people to connect to culture – are needed. There is a complete wealth of information about the importance of cultural identity towards fostering good outcomes for Aboriginal youth, especially Aboriginal youth in remote areas.

Both the 2016 *Learnings From the Message Stick: The report of the Inquiry into Aboriginal youth suicide in remote areas (Message Stick Report)* and the 2019 *Coronial Inquest Report: Inquest into the deaths of thirteen children and young persons in the Kimberley region, Western Australia (Coronial Inquest Report)* implore the Government to harness culturally-based programs in order to develop better youth justice outcomes.

In short, significant new Government investments into culturally-based programs will need to be made in the short-term, alongside the ongoing co-design processes.

OPPORTUNITIES: THE KIMBERLEY JUVENILE JUSTICE STRATEGY

The KJJS project commenced mid-2019. Though the State Department of Justice originally intended to collaboratively co-design a revamped, region-specific juvenile justice strategy with KALACC, various machinations of Government bureaucracy meant that in reality our input was more akin to consultation rather than true co-design.

Planning and developing long-term co-designed solutions provides the opportunity to develop a comprehensive KJJS that actually reflects the voices of the Kimberley community and delivers culturally-appropriate services that are targeted to the needs of individuals, families and communities. On pages 26–27 KALACC has provided a list of 14 necessary steps in order to successfully co-design the KJJS with the Department of Justice. This effectively forms a prospective outline to a KJJS Implementation Plan.

To date, this has not happened. In order to maximise the KJJS' success and impact, KALACC looks forward to working with the Department of Justice to fulfil the true co-design of the KJJS.

CONCLUSION

In summary, the key facets of the KJJS co-design process moving forward will be for the Government to:

- Commit to working in newfound ways that value Indigenous knowledge and methodologies and recognise their well-documented success in this arena
- Collaboratively work *in partnership* with ACCOs and community organisations, with the aims of self-determination, governance and empowerment – with Aboriginal people being active decision-makers
- Foster multifaceted interagency collaboration towards delivering wraparound services that are responsive to the needs identified by communities in the Kimberley
- Determine and deliver co-designed strategies and initiatives that are community-led and incorporate both mainstream and culturally-embedded solutions
- Undertake significantly annual investment towards an extensive co-design process that is ongoing, sustainable and responsive, recognising that longer-term funding and support will reap the best outcomes

KALACC Recommendation

In order to achieve the above, this document culminates in the following key recommendation from KALACC:

> **KALACC Recommendation**
>
> For the State Government to partner with an ACCO, such as KALACC, that will mobilise Aboriginal organisations and community members to collaboratively develop impactful co-design initiatives that will meaningfully improve juvenile justice outcomes in the Kimberley.

To quote the *Kooljaman Statement* from the KLC, KALACC, KLRC and Aarnja:

> We challenge governments to hear our words and work with us toward a just, equitable and reconciled Australia.

INTRODUCTION

The Kimberley Aboriginal Law and Cultural Centre (KALACC) has long been active in the juvenile justice space and has previously called for holistic improvements to the justice system to address the startling rates of youth suicide and incarceration in the Kimberley.

This has increased since the establishment of the award-winning Yiriman Project in 2000 as an Aboriginal community response to supporting young people (which is auspiced by KALACC). Our work in this area has increased exponentially since that time, with the pressing need for community-driven change identified in our 2013 *KALACC Juvenile Justice Diversion Scoping and Theoretical Framework*.

We are a part of a strong united collective of Kimberley-based Aboriginal Community Controlled Organisations (ACCOs) that advocate in this arena on behalf of Aboriginal communities. In *Appendix 1 – History of Advocacy in the Kimberley*, KALACC provides an overview of the broad suite of reports that have been generated and/or contributed to by these Kimberley-based ACCOs since the Kimberley region's peak Aboriginal organisations were founded.

CREATING CULTURAL OPPORTUNITIES THROUGH CO-DESIGN

It is clear that shared decision-making, co-design and building the capacity of ACCOs are key principles underpinning the future directions of Indigenous Affairs policy in this nation. Across the region, this desire has been repeatedly stated by Kimberley ACCOs, including KALACC, the Kimberley Aboriginal Medical Services (KAMS), Kimberley Land Council (KLC) and Empowered Communities organisations such as Binarri-Binyja Yarrawoo (BBY), to collaborate and come to Government with one united voice.

The May 2020 *Kimberley Statement* from these peak organisations specifically calls on the Government to meet with the collective of ACCOs and enact the following regarding youth wellbeing and justice:

- Allow Aboriginal people to lead the design of success measures for these actions and provide a publicly accountable annual report card that ensures accountability for delivering not just short-term outcomes, but long-term impacts
- Directly engage with communities and significantly invest in long-term solutions that are paced to include Aboriginal-led co-design and a clear process for the implementation of short-, medium- and long-term actions
- Not assume they know what is best for Aboriginal young people; rather, ensure solutions and measures of success are led by Aboriginal people and that all investment into these solutions is clearly and publicly accountable to our people – we repeat the words of our Empowered Young Leaders in the Kimberley: "Nothing about us without us"
- Commit to a process of co-design with ACCOs and communities to lead this process with Government – with a co-design partnership requiring immediate commitment, resources and action that is paced over the long-term (anything less will be unacceptable and will only serve to delay addressing youth suicide in the region further)

Moreover, the recent *Kooljaman Statement* issued by KALACC, KLC, the Kimberley Language Resource Centre (KLRC) and Aarnja states the following:

> As the peak Aboriginal organisations in the Kimberley, we know that change is only possible if Kimberley Aboriginal people participate, lead and determine the development of socio-economic, cultural and governance strategies and programs delivered in our region. Our role in this process must be acknowledged and resourced to deliver successful, meaningful and sustainable outcomes […] Our future needs a voice, and it must be our voice (p1–2).

In the words of the Honourable Ken Wyatt, Federal Minister for Indigenous Australians, in his speech on 15 September 2020:

> [W]hat is the most pressing issue before us when we look at how to approach Indigenous affairs? For me, it's ensuring that the next generation of Indigenous Australians aren't framed by disadvantage – but by opportunity. Social opportunity. Economic opportunity. Corporate Opportunity.
>
> This is why we need a new way of working with Indigenous Australians. This new way needs to start with the voices of all 800,000 Indigenous Australians. […] This new way needs to ensure that these voices are not just heard – but that they are empowered to make decisions and shape their own future and implement the programmes and services (p1–2, new paragraphing).

It is evident that the State Government, Commonwealth Government, ACCOs and wider Indigenous community wish to address the current crisis in the Kimberley. As highlighted by the Kimberley Juvenile Justice Strategy (KJJS) process that is explored within the section titled 'Opportunities: The Kimberley Juvenile Justice Strategy' below on p21, it is important that engagement with ACCOs is a genuine collaboration rather than mere consultation: "Our future needs a voice, and it must be our voice".

Within this context, KALACC looks forward to working with the State and Commonwealth Governments through true co-design processes to develop better social and emotional wellbeing outcomes for the young people in the Kimberley.

DOCUMENT PURPOSE

In order to achieve meaningful outcomes in the Kimberley regarding juvenile justice issues, a joint commitment to an ongoing co-design process is needed between the Government and local community. This must be centred on empowering communities to design, lead and deliver effective local approaches, initiatives and programs within a structure of cultural leadership and cultural governance.

The purpose of this document is to:

- Define and outline the principles of true co-design
- Provide an overview of useful tools and strategies that will foster true co-design between the Government and local communities
- Identify current macro Government processes that incorporate these co-design principles and must be foundational for future co-design processes
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WHAT IS CO-DESIGN AND WHAT ARE CO-DESIGN PRINCIPLES?

Co-design provides an equal voice to Indigenous stakeholders regarding the programs, strategies and infrastructure that directly affect Indigenous communities. Recognising the value of traditional cultural knowledge, co-design in this context is a collaborative process between the Government and Aboriginal communities. It aims to create outcomes that are meaningful and serviceable to Indigenous communities, supporting on-the-ground cultural initiatives and fostering Aboriginal empowerment and ownership in the short-, medium- and long-term.

This is highlighted in the *Kooljaman Statement*:

> We are asking for funding to be directed to culturally appropriate support and programs developed by Aboriginal men and women that use traditional law, culture and language, and for service providers, government and non-government, to work together to address these chronic issues. The importance of supporting men and women's groups to lead, develop and deliver gender specific, place-based, regionally focused approaches and solutions should be supported (p2).

Below is a compilation of definitions and insights on co-design processes from a variety of useful sources.

NOONGAR FAMILY SAFETY AND WELLBEING COUNCIL INSIGHTS

As identified in a presentation as part of a workshop led by the Noongar Family Safety and Wellbeing Council (NFSWC) to the Department of Justice on 1 November 2019, co-design:

- […] is not a linear process and cannot be rushed. There are no step-by-step procedures or checklists. It requires a commitment to create change.
- […] combine[s] lived experience and professional expertise to identify and create an outcome or product.
- […] builds on engagement processes such as social democracy and community development where all critical stakeholder, from experts to end users, are encouraged to participate and are respected as equal partners sharing expertise in the design of services and products (slide 3).

Moreover:

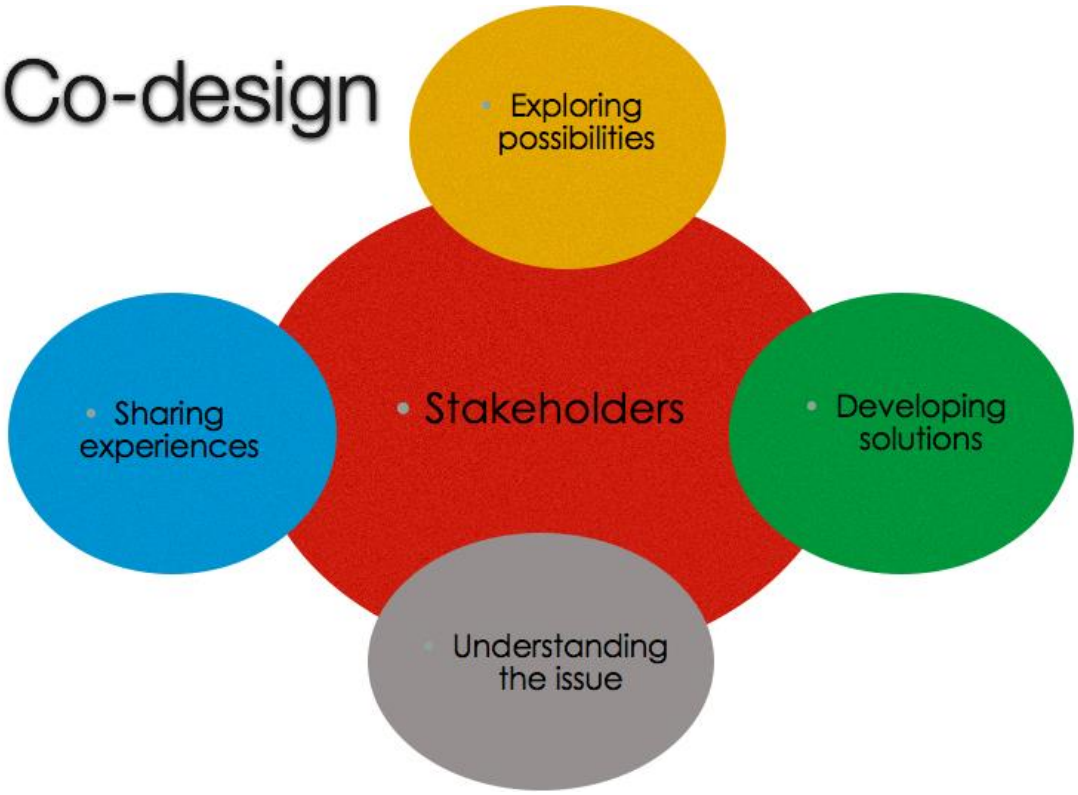
> [Co-design] is more than a consultation process. Everyone is seen as an expert in their domain and as such has something to offer in the design of products and solutions (slide 5).

The following principles of co-design are then identified on slide 6 (new emphasis):

- **Inclusive** – The process includes representatives from critical stakeholder groups who are involved in the co-design project from framing the issue to developing and testing solutions.
- **Respectful** – All participants are seen as experts and their input is valued and has equal standing.
- **Participatory** – The process itself is open, empathetic and responsive.
- **Action orientated** – Ideas and solutions are continually tested and evaluated with the participants.

- **Outcomes focused** – The process can be used to create, redesign or evaluate services, systems or products.

The co-design process is summarised in the following infographic on slide 7:



EXISTING DEPARTMENT OF COMMUNITIES POLICY DOCUMENT

Current Government understanding of co-design processes is reflected in the State Department of Communities' *Aboriginal Controlled Community Organisations Strategy to 2022*, which advises as follows on page 6:

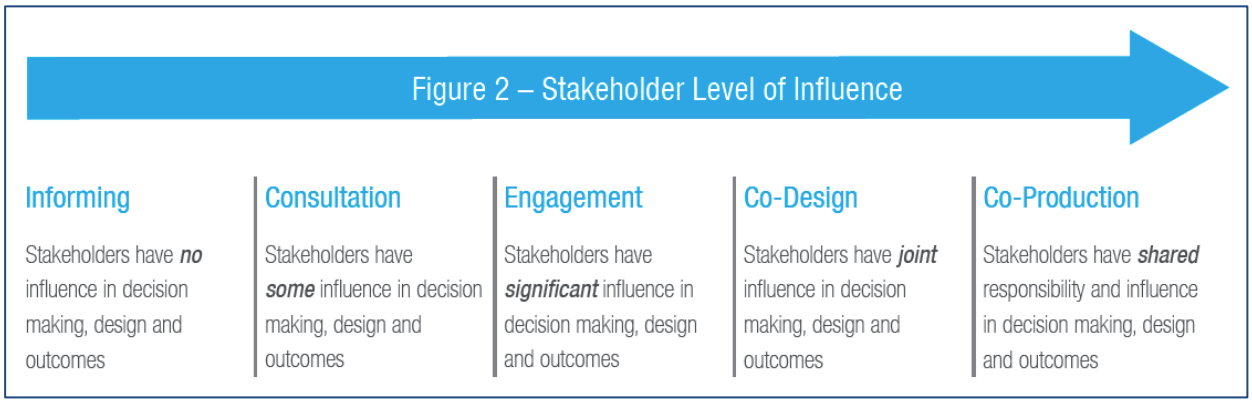
A. Co-design[1]

Co-design is prioritised and utilised when developing services for Aboriginal children, families and communities.

1. Co-design principles are used and applied in the development of service outcomes, specifications and models of care where Aboriginal children and families are:
   - under-represented as users of existing services, but where representation is expected to be higher; or
   - the majority service user group.

2. The State Government's *Stakeholder Engagement Guidelines* [2] and Division's *Stakeholder Engagement Framework* inform the development of programs and services for Aboriginal children, families and communities.

While this advice is of itself of limited assistance, it does usefully point us towards the Department of Communities' *Stakeholder Engagement Framework.* This document is tremendously useful towards undertaking co-design processes and contains the following diagram on page 5:



The comments here regarding co-design are extremely short and succinct, but are certainly worth noting:

> **Co-Design:** Stakeholders have ***joint*** influence in decision making, design and outcomes.

EXISTING DEPARTMENT OF FINANCE POLICY DOCUMENT

The State Department of Finance's *Planning in Partnership Guide: Undertaking Co-Design Under the Delivering Community Services in Partnership Policy (Planning in Partnership Guide)* in particular provides a veritable wealth of information about how to implement a co-design process. This could be used as an invaluable tool in assisting the Department of Justice to commence consideration of how it can work effectively within a co-design and co-production approach moving forward.

The *Planning in Partnership Guide* advises us as follows regarding co-design:

- The Delivering Community Services in Partnership (DCSP) Policy puts the interests of service users at the centre of the relationship between the public and not-for-profit community services (community services) sectors and challenges both sectors to redefine the way they engage in the planning, design and delivery of community services (p4)
- Co-design means to collaboratively design services with stakeholders such as service users, community services organisations including service providers, and government agencies, using a structured approach. Co-design allows for stakeholders to have meaningful and significant influence over the community services being planned; more so than less collaborative stakeholder engagement activities. While the process of codesign includes stakeholder engagement activities, we have used the term co-design to describe processes that include significant collaborative design as required by the DCSP Policy (p5)
- A lack of effective preparation and planning is a significant barrier to successful codesign. Detailed guidance on preparing for and planning co-design processes is provided in this guide (p11)

KALACC entirely concurs with the views of the Department of Finance that "A lack of effective preparation and planning is a significant barrier to successful codesign" (p11). Indeed, the document does in fact provide some detailed guidance on how to implement a true co-design process.

The following suggested Co-Design Plan can be found on pages 14–15 of the *Planning in Partnership Guide*:

4.4 Co-design plan

A simple co-design plan is shown below, with text in brackets indicating guidance.

Table 1: Co-design plan

Co-design plan	
Purpose:	[What are you trying to achieve?]
Evaluation:	[Clarify the evaluation criteria, evaluation methodology and process for feedback of evaluation summary to participants]
Scope:	[Clarify scope of the co-design including negotiable and non-negotiable matters]
Outcomes being sought:	[What is the expected outcome of the co-design process?]
Key stakeholders:	[Stakeholders should be identified as per the stakeholder identification and analysis process.]
Timeframes:	[Timeframes for the engagement.]
Levels of influence:	[What level of influence is appropriate for each stakeholder?]
Method(s) and activities:	[What are the appropriate methods of engagement for each stakeholder? Who will be the owner/s of the process? Who will administer the process (coordination, invitations, scribe)? Who will facilitate the activities? Who will analyse the findings? Who will provide feedback to stakeholders? Where will meetings or workshops take place? Are these locations inclusive of stakeholder's needs and potential accessibility issues? How will the rooms be arranged for participants? Schedule the evaluation process and devise the strategy for providing feedback to participants and stakeholders / stakeholder groups and capturing relevant lessons learned.]
Risk and issues management:	[What are the potential risks relating to the process? What issues need to be resolved? How will these risks and issues be managed?]

USEFUL TOOLS TO FACILITATE TRUE CO-DESIGN

Below are our recommendations for useful tools that will ensure any strategies co-designed by the Government and Aboriginal communities are successful and maximise social and emotional wellbeing outcomes for young people in the Kimberley.

THE WACOSS CO-DESIGN TOOLKIT

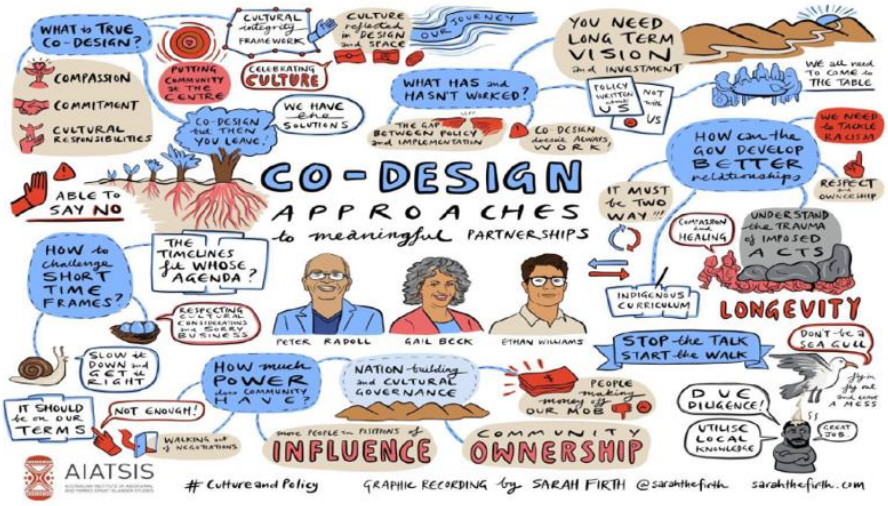
The *WACOSS Co-design Toolkit*, which is highlighted as an exemplary model in KALACC's *KJJS Consultation Report*, could immediately be applied to the ongoing development of the overarching KJJS as part of the collaborative partnership between the Department of Justice and KALACC. It includes the following subsections:

- Introduction to the Toolkit
- Definitions and Principles Tool
- Making the Case for Co-Design
- Government Preparation Tool
- Community Sector Preparation Tool
- Co-Design Process
- Identifying Stakeholders
- Tips for Successful Co-Design Workshops
- Process Evaluation Survey Tool

As previously highlighted during the NFSWC presentation, we need to acknowledge that co-design is a significant undertaking that requires an ongoing commitment in order to create meaningful change. Implementing the *WACOSS Co-Design Toolkit* will ensure that the State and Commonwealth Governments develop a collective vision, roles and responsibilities alongside the ACCOs as part of any co-design process.

AIATSIS CO-DESIGN & ENGAGEMENT PRINCIPLES

The following infographics depict the co-design and engagement principles that were developed by the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) as part of their February 2020 Nyiyanang Wuunggalu (Let's Work Together) – But on Indigenous Terms Symposium. KALACC recommends incorporating these principles as part of any co-design processes in the Kimberley.



LAW REFORM COMMISSION & BBY PRINCIPLES

The Law Reform Commission and BBY have released principles that reflect outcomes desired by community and may be foundational for any strategies regarding youth wellbeing in the Kimberley. These key principles are captured in the following table:

LAW REFORM COMMISSION PRINCIPLES – 2006	BBY PARTNERSHIP PRINCIPLES – 2019
1. Improve government service provision to Aboriginal people 2. Collaboration, cooperation and consultation 3. Voluntariness and consent 4. Local focus and recognition of diversity 5. Community-based and community-owned initiatives 6. Respect and empowerment of Aboriginal people 7. Balanced gender and family, social or skin group representation 8. Adequate and ongoing resourcing 9. Ongoing monitoring and evaluation	1. Consider their own capacity 2. Recognise existing capacity 3. Research existing options 4. Seek partnerships 5. Approach to partnership 6. Recognise, support and promote existing development practice 7. Work together with Aboriginal people to create strong and viable Aboriginal organisations 8. Ensure Aboriginal Control, not just consultation 9. Develop a clear exit strategy 10. Ensure robust evaluation and accountability 11. Cultural competency and appropriate development practice 12. Data sovereignty and research projects

WACOSS & NFSWC: PARTNERING WITH ACCOS

We now consider *Partnering with Aboriginal Community Controlled Organisations to deliver trusted services with stronger outcomes for Aboriginal people*, which was produced by the West Australian Council of Social Service (WACOSS) and the NFSWC. This document is very useful in serving as a roadmap or compass of how the State Government can engage with the ACCO sector and how ACCO capacity to deliver services can progressively be supported and developed over time.

On page 21, WACOSS and NFSWC provide a table that outlines the partnership practices that are required within the community, ACCO and public sectors, which is captured on the next page.

Partnership Practices	Community Sector Practices	ACCO Practices	Public Sector Practices
1. The terms and conditions of the partnership should in the first place be determined by the needs and aspirations of people with lived experience, service users, the local community ACCO partner and elders.	√	√	√
2. Objectively assess capacity to deliver effective and sustainable services and only tender independently for such services where capacity exists and can be delivered from an evidence base.	√	√	
3. Before considering a tender or entering into a service commissioning process, existing ACCO services in the local and regional area shall be thoroughly researched to determine existing capacity, associated services and relationships (including contacting relevant Aboriginal peak bodies).	√		√
4. Where local ACCOs are already effectively delivering services, or are willing and able to provide them, they should be assessed as preferred providers.			√
5. Where ACCOs are already effectively delivering services or are willing and able to provide them, CSOs shall not directly compete, but will seek, where appropriate, to develop a partnership in accord with these principles.	√	√	
6. Where current capacity is limited seek to work in partnership with an existing provider or partner organisation to develop skills, capacity and expertise. There should be a fair and transparent engagement process to develop a capacity building plan to address any concerns.	√	√	√
7. If additional external capability is deemed necessary to support a capacity building plan requiring some form of partnership or other support, it should be delivered by an organisation or organisations chosen or agreed by the ACCO, consistent with the partnership principles.	√	√	√
8. In circumstances where an existing ACCO agrees to partner, partnerships should have an over-riding goal, supported by clear processes and timelines, of developing and delivering culturally-secure local services delivered by local ACCOs.	√	√	√
9. An exit strategy should be developed, unless there is an agreement with the ACCO for a longer term partnership.	√	√	√
10. Providers will develop a robust accountability framework and evaluation process together with program funders, partnering organisations and communities.	√	√	√
11. All partnerships should have an over-riding goal of developing and delivering culturally-secure services delivered by local ACCOs.	√	√	√
12. Contracts with government should incorporate a succession plan and long term planning for local ACCOs to deliver services, with appropriate resourcing included, unless the ACCO wishes to maintain the partnership arrangement.			√
13. All contracts and service agreements with ACCOs should be consistent with partnership principles, including fair joint venture agreements and provisions to support the transfer of responsibility and control.	√	√	√
14. Program planning and service system co-design processes should be evidence-based and driven by the needs and aspirations of service users, those with lived experience, Elders and local communities. Evidence of service and community need and evaluation of existing services and service models should be shared and its implications agreed with key stakeholders.	√	√	√
15. Public sector agencies should co-develop a robust accountability framework and evaluation process together with partnering organisations and communities.	√	√	√

CURRENT MACRO PROCESSES MUST BE CENTRAL TO CO-DESIGN

Three significant macro Government processes are underway regarding Aboriginal wellbeing and socio-economic outcomes, with critical associated documents having been released in 2020. These documents provide a pathway forward and must be integrated into any co-design processes between the Government and Indigenous communities from the outset. The key elements and principles are as follows, with the documents further discussed in the below subheadings:

DOCUMENT	WHO	DETAILS
National Agreement on Closing the Gap **– July 2020**	Commonwealth Government, with all State Governments and the Coalition of Aboriginal and Torres Strait Islander Peak Organisations	Contains four reform areas and associated targets, including: • "Building the community-controlled sector" (Reform Area #2, p8–10) • "Shared access to data and information at a regional level" (Reform Area #4, p13–15) • Targets associated with Youth Justice (#11, p28–29), Wellbeing (#14, p33), and Culture and Language (#16, p35)
Commitment to Aboriginal Youth Wellbeing **– March 2020**	WA Government	Contains 12 State commitments to Aboriginal youth wellbeing, including: • "Culturally responsive government" (#1) • "Respect and appreciation for Aboriginal culture" (#2) • "Supporting cultural programs" (#3) • "Better prevention, intervention and postvention services" (#4) • "Support for community wellbeing" (#7) • "Building local capacity" (#8) • "Helping young people connect to culture" (#10)
A Path Forward: Developing the Western Australian Government's Aboriginal Empowerment Strategy (Aboriginal Empowerment Strategy Discussion Paper) **– December 2019**	WA Government	Contains six strategic elements that include the following on p11 (original emphasis): • "Putting **culture** at the centre" (the focal point) • "Enabling **Aboriginal-led solutions** through better service commissioning" • "Bringing decisions **closer to communities** through empowered engagement and agreement-making" • "Building **cultural understanding and respect**" • "Investing more in **preventative initiatives**"

It is important to note that, while the current progress in the State and Commonwealth Government macro policy spheres are an important step in ensuring meaningful change for the Kimberley, they are by no means isolated occurrences. As we experience Government policy now responding to decades of Aboriginal community advocacy, this is reflected in the *Aboriginal Empowerment Strategy Discussion Paper*:

> This discussion paper brings together key messages from Aboriginal people across the State, as well as other research, reviews and reports. Initial work towards a State Government strategy began when the Aboriginal Policy and Coordination Unit was established within the Department of the Premier and Cabinet (DPC) in July 2017. DPC considered a large range of reports and advocacy documents in which Aboriginal people had previously told the Government what needed to change, as well as other significant reports and reviews that made relevant recommendations. Current State policies, frameworks, and strategies were reviewed, along with experiences from other parts of Australia, Canada, New Zealand, and the United States. Lessons were drawn from a range of innovative place-place-based approaches to Aboriginal wellbeing (p7).

Appendix 1 – History of Advocacy in the Kimberley identified the broad range of reports that Kimberley-based ACCOs, including KALACC, have generated and/or contributed to, which evidence this further.

CLOSING THE GAP IN PARTNERSHIP AGREEMENT

As recently as July 2020, the Commonwealth and State Governments signed a new *Closing the Gap National Partnership Agreement* that reorients and reframes the language of the discourse to one that exudes strength and positivity. Now called *'Closing the Gap in Partnership'* the key priority reform areas identified are:

1. Formal partnerships and shared decision making
2. **Building the Community-Controlled Sector**
3. Transforming government organisations
4. **Shared Access to Data and Information at a Regional Level**

The two highlighted are of particular importance to the KJJS, as are three of the revised targets identified:

- #11 – Young people are not overrepresented in the criminal justice system
- #14 – People enjoy high levels of social and emotional wellbeing
- #16 – Cultures and languages are strong, supported and flourishing

Lastly, within the partnership agreement itself, a number of key principles are espoused and those that relate to the KJJS process specifically include:

- #5 – Prioritising Aboriginal and Torres Strait Islander cultures
- #7 – Knowing we are making a difference
- #9 – Being publicly accountable for our actions

By way of analogy, the *Kimberley Aboriginal Caring for Culture Plan* (*KACfC Plan*) as published by KALACC in 2020 was commissioned by the WA Primary Health Alliance (WAPHA) as part of the Kimberley Aboriginal Suicide Prevention Trial (KASP Trial). The *KACfC Plan* recommendations are directly informing the design of the Operational Plan for the ongoing work of the KASP Trial, thus showing appropriate respect to the 61 ACCOs who participated in the process.

Report on Engagements with Aboriginal and Torres Strait Islander People to Inform a New National Agreement on Closing the Gap

Implementing these elements within the KJJS will likewise align with the Coalition of Peaks' *A report on engagements with Aboriginal and Torres Strait Islander people to inform a new National Agreement on Closing the Gap*. The following four Priority Reform areas were identified in this document and are outlined on the Coalition of Peaks website:

- Developing and strengthening structures to ensure the full involvement of Aboriginal and Torres Strait Islander peoples in shared decision making at the national, state and local or regional level and embedding their ownership, responsibility and expertise to close the gap
- Building the formal Aboriginal and Torres Strait Islander community-controlled services sector to deliver closing the gap services and programs in agreed focus areas
- Ensuring all mainstream government agencies and institutions undertake systemic and structural transformation to contribute to Closing the Gap, improve accountability and respond to the needs of Aboriginal and Torres Strait Islander people
- Ensuring Aboriginal and Torres Strait Islander people have access to, and the capability to use, locally relevant data and information to monitor the implementation of the Priority Reforms, the closing the gap targets and drive local priorities

WA GOVERNMENT COMMITMENT TO ABORIGINAL YOUTH WELLBEING

In March 2020 the WA Department of Premier and Cabinet released the *Commitment to Aboriginal Youth Wellbeing*. As a follow-up to the May 2019 *Statement of Intent on Aboriginal Youth Suicide*, it "outline[s] 12 key commitments by which the Western Australian Government will work to improve lived experiences for young Aboriginal people in this state, and particularly in the Kimberley region" (p4). They are captured in the infographic below (p19):

The following commitments are of note regarding co-design, with Commitment 3 and Commitment 7 directly mentioning the KJJS and Commitment 8 being of particular relevance to the co-design of the KJJS moving forward:

Commitment 1: Culturally responsive government

We will put the right structures, policies and staff in place to ensure we can provide more culturally appropriate services to Aboriginal people. This will include:

- ensuring the right consultation and engagement processes are in place and adhered to;
- embracing the principles of co-design;
- making sure Aboriginal people are actively listened to;
- maintaining the cultural competency of agency staff; and
- ensuring that consideration of Aboriginal culture, particularly through Aboriginal cultural frameworks, is a key factor in proposed policies, programs or services (p21)

Commitment 2: Respect and appreciation for Aboriginal culture

Strategies for developing and promoting respect and appreciation for Aboriginal culture will include:

- working with and alongside Aboriginal cultural governance structures;
- acknowledging Aboriginal people as the foremost experts on matters that directly affect them;
- promoting Aboriginal culture and addressing racism; and
- focusing on strengths, rather than deficits (p22)

Commitment 3: Supporting cultural programs

Strategies and approaches for supporting cultural programs will include:

- the forthcoming Aboriginal Empowerment Strategy;
- the State Suicide Prevention Action Plan 2021–2025;
- the Kimberley Juvenile Justice Strategy;
- Aboriginal cultural and arts program funding; and
- cultural wellbeing and healing programs (p23)

Commitment 7: Support for community wellbeing

We will support and strengthen community wellbeing through a range of strategies and initiatives, including:

- the forthcoming Aboriginal Empowerment Strategy;
- the Kimberley Juvenile Justice Strategy (p26)

Commitment 8: Building local capacity

We will help build local capacity through:

- long-term, strategic support for remote Aboriginal communities;
- empowering Aboriginal communities to design, lead and deliver effective local approaches, under the guidance of the Western Australian Aboriginal Advisory Council;
- continuing to explore options for providing training and other opportunities at the local level, especially for young people; and
- increased commissioning opportunities for local providers to deliver social services to the community (p27)

WA GOVERNMENT DRAFT ABORIGINAL EMPOWERMENT STRATEGY

In December 2019, the WA Government released a discussion paper titled *A Path Forward: Developing the Western Australian Government's Aboriginal Empowerment Strategy*. The strategy, which KALACC understands is set to become substantive Government policy in February 2021, provides an appropriate framework for engagement and involvement of young people, families, communities, ACCOs and Government in collaboration.

The principles likewise provide a set of criteria by which to judge or evaluate long-term the effectiveness of the any youth wellbeing strategies, including:

> **1. Putting culture at the centre**
> Supporting Aboriginal people's cultural identities, cultural continuity and cultural authority (p12)
> **2. Bringing decisions closer to communities through empowered engagement and agreement-making**
> Strengthening or developing structures to enable more decisions to be made at the regional or local level, enabling greater involvement by Aboriginal people in decision making, and using negotiated agreements to further Aboriginal people's priorities (p14)
> **3. Enabling Aboriginal-led solutions through improved service commissioning and grant-making**
> Changing the way services are designed, funded, and procured to:
> i) significantly increase the involvement of Aboriginal community-controlled organisations
> ii) support the development of Aboriginal community-controlled organisations' capacity to deliver services to their communities (p16)
> **4. Investing more in preventative and early intervention initiatives** (p18)
> **5. Boosting economic opportunities across all areas of Government activity** (p20)
> **6. Building cultural understanding and respect** (p22)

THE NEED FOR CULTURALLY-BASED INITIATIVES

As stated in the *Kooljaman Statement*:

> Our communities continue to be over-represented in the judicial and mental health systems. Our young people are taking their own lives and our children remain in out-of-home care. Our future needs a voice, and it must be our voice (p2).

Ongoing support of cultural programs – particularly those which help and facilitate young people to connect to culture – are needed. There is a complete wealth of information about the importance of cultural identity towards fostering good outcomes for Aboriginal youth, especially Aboriginal youth in remote areas.

The 2016 *Learnings From the Message Stick: The report of the Inquiry into Aboriginal youth suicide in remote areas (Message Stick Report)* clearly states that building cultural identity is the single most effective strategy for improving youth outcomes. Therefore, ensuring that this is captured in the vision and key principles of any co-designed strategies between the Government and Indigenous communities is paramount. To achieve

this, we need to clearly understand the difference between culturally-based and culturally-appropriate, while empowering communities to implement culturally-based programs.

CULTURALLY-BASED VERSUS CULTURALLY-APPROPRIATE

Whatever the objective here – the co-design of youth outcome frameworks, interrelated services and programs, and/or their delivery – we need to understand that culturally-based is where we should be heading in the long-term delivery of all elements of any such strategies. In the short-term, however, culturally-appropriate may be the achievable option to dually facilitate implementation and build capacity.

To clarify, for something to be 'culturally-based' it will likely have been designed, developed, implemented, owned and governed by Aboriginal and Torres Strait Islander people. Importantly, the foundations of the framework, service and/or program will be in culture. Exemplifying a culturally-based paradigm, KALACC's 2020 *KACfC Plan* highlighted the role of culture in Kimberley ACCOs, including peak Aboriginal regional bodies, Aboriginal art centres, language centres, culture centres and ranger groups. The majority of these organisations fit within the culturally-based paradigm.

Alternatively, the successful Aboriginal Medical Services model that was identified in the *KACfC Plan* is a perfect example of what a culturally-appropriate organisation or service looks like. With roots in the health service and answerable to Government, all efforts have been made to ensure it holistically delivers culturally-appropriate programs and services; is staffed predominantly by Aboriginal people; and is overseen by cultural governance (through steering committees, for example).

Something that is 'culturally-appropriate' will seek to ensure that it adheres to and acknowledges culture but may have stronger external drivers. In these latter instances, particular emphasis should be placed on capacity building of ACCOs to ensure transition from external Government or Non-Government Organisations (NGOs) to ACCO-delivery.

COMMUNITY VISIONS OF SUCCESS FOR YOUTH OUTCOMES

As previously identified, stakeholder input from the wider Indigenous community is a central tenet of true co-design processes. Any youth wellbeing strategies require a shared vision to drive the initiative – one that is shared by all involved including young people, families, communities, ACCOs and the Government, and is developed collaboratively and collectively.

The key themes that were raised by community voices during the KJJS consultation process form a useful framework for doing just this, and ensuring any strategies actually address community needs and are therefore successfully implemented. These themes are captured below:

- **Culture**
    - Valuing Elders and traditional knowledge and supporting their role in young people's lives
    - Providing cultural camps for young people as opportunities to be connected to land, language, community and culture
    - Opportunities to teach culture and promote cultural identity in young people
    - Healing places and healing centres where young people can gather, connect and heal based on culture
    - Cultural activities and community gatherings

- **Self-empowerment/determination**
    - Capacity building of locals
    - Engagement and collaboration
    - Community accountability (i.e. regarding providers and so on)
    - Long-term initiative with long-term resources defined by long-term outcomes
- **Holistic**
    - Preventative and early intervention
    - Youth leadership
    - Support for all kids
    - Change narrative in the way young people are addressed
    - Safe spaces, youth centres and outreach
- **Family empowerment**
    - Parenting support
    - Department of Child Protection's 'Safe and Strong Families' model
- **Breaking welfare**
    - Housing
    - Education and life skills
    - Pathways to employment from school or TAFE
    - Positive relationships with police, teachers and so on are needed
- **Restorative action**
    - Justice reinvestment
    - Alternative sentencing
    - Support for young people to understand the justice system
- **Health**
    - Mental health
    - Fetal alcohol spectrum disorder (FASD) support

INVESTMENTS IN CULTURALLY-BASED PROGRAMS

KALACC continues to provide considerable guidance to the State Government more broadly relating to how culture could and should be harnessed in order to generate better outcomes for Aboriginal communities. In short, significant new Government investments into culturally-based programs will need to be made in the short-term, alongside the ongoing co-design processes.

This is further exemplified in the guidance KALACC provided to the Department of Justice regarding how culturally-based programs can be harnessed in order to develop better youth justice outcomes. These are themes picked up in the *Message Stick Report* and in the 2019 *Coronial Inquest Report: Inquest into the deaths of thirteen children and young persons in the Kimberley region, Western Australia (Coronial Inquest Report)*, but also in the WA Department of Culture and the Arts 2016 Discussion Paper *Investing in Aboriginal Culture: The role of culture in gaining more effective outcomes from WA State Government services*.

THE YIRIMAN PROJECT: EXEMPLAR OF SUCCESSFUL CULTURAL INITIATIVES

Established in 2000 and auspiced by KALACC, the Yiriman Project is an award-winning intergenerational, on-Country cultural program that aims to "build stories in young people" and provides at-risk youths with

pathways to improved health outcomes; training and educational opportunities; and enhanced community engagement.

Developed directly by the Elders from four Kimberley language groups – Nyikina, Mangala, Karajarri and Walmajarri – the Yiriman Project has been recommended as a key example of best practice in Aboriginal culturally-based programs and in 2012 proudly won a Reconciliation Australia Indigenous Governance Award.

The plethora of reports that have recommended funding the Yiriman Project – not to mention the many positive reviews, evaluations, profiles and articles about this highly successful cultural initiative – are captured below:

- *Ways Forward – Beyond the Blame Game: Some Successful Initiatives in Remote Indigenous Communities in WA* – WA Parliament Legislative Assembly Education and Health Standing Committee, May 2008
- *Alcohol Restrictions in the Kimberley: A Window of Opportunity for Improved Health, Education, Housing and Employment* – WA Parliament Legislative Assembly Education and Health Standing Committee, March 2011
- *Doing Time – Time for Doing: Indigenous Youth in the Criminal Justice System* – Commonwealth of Australia Parliament House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, June 2011
- *Balgo Coronial Inquest Report* – WA State Coroner Alistair Hope, October 2011
- *Fitzroy Crossing Local Implementation Plan [for Closing the Gap]* – Commonwealth of Australia & Government of Western Australia, 2012
- *Overcoming Indigenous Disadvantage: Key Indicators 2014 Report* – Commonwealth of Australia Productivity Commission, Steering Committee for the Review of Government Service Provision, 2014
- *Overcoming Indigenous Disadvantage: Key Indicators 2016 Report* – Commonwealth of Australia Productivity Commission, Steering Committee for the Review of Government Service Provision, 2016
- *Message Stick Report* – WA Parliament Legislative Assembly Education and Health Standing Committee, November 2016
- *Coronial Inquest Report* – WA State Coroner Ros Fogliani, February 2019

Moreover, in their May 2020 *Kimberley Statement* to the State Government, KALACC, KAMS, KLC, Empowered Communities East Kimberley and the University of Western Australia's Centre of Best Practice in Aboriginal and Torres Strait Islander Suicide Prevention responded to the WA Department of Premier and Cabinet's *Statement of Commitment on Aboriginal Youth Suicide*. As part of this statement, they named the Yiriman Project as one of the "critically important culturally-based initiatives in the Kimberley" that requires immediate funding. Supporting this program would see long-lasting, meaningful change for young people in the Kimberley.

OPPORTUNITIES: THE KIMBERLEY JUVENILE JUSTICE STRATEGY

The KJJS project commenced mid-2019. The State Department of Justice sought a partner in KALACC to collaboratively co-design a revamped juvenile justice strategy specifically for the region. Limitations and weaknesses to existing juvenile justice structures and processes had been identified and articulated through countless inquiries and commissions. As such, the Department of Justice recognised the benefits of partnering with an ACCO to deliver much-needed reforms.

The intent was for KALACC to collaboratively co-design the KJJS with the Department of Justice. However, the reality saw KALACC lead the consultation process only to gather input from community into what was needed and feed this information into *existing* Department of Justice processes. Though it began as a potential conduit for Aboriginal community voices across the region who called for a holistic, culturally-based strategy to support our young people, the process has unfortunately fallen short of initial expectations.

Much of this relates to the machinations of Government bureaucracy that have misaligned with the pace of and need for community engagement and involvement. For example, KALACC was engaged in July 2019 only after an initial model had been created in May 2019, which was based on the five priorities that the Honourable Mark McGowan, WA Premier, identified in a September 2018 meeting with various ministers and agency executives from the Departments of Communities, Education, Health, Justice and Police.

In the initial engagement letter from Dr Adam Tomison, Director General of the Department of Justice, an invitation was extended to KALACC "to contribute to the KJJS in the following ways":

- development of the KJJS strategic plan consultation and design process;
- identification and engagement of key cultural groups across the Kimberley (including traditional land owners, organisations and partners) in the development and costing of the residential facility model;
- ongoing oversight as co-owners of the KJJS plan (p1)

To date, this has not happened. In order to maximise the KJJS' success and impact, KALACC looks forward to working with the Department of Justice to fulfil the true co-design of the KJJS.

NEXT STEPS FOR THE KIMERLEY JUVENILE JUSTICE STRATEGY

Taking into consideration the outcomes from the KJJS process so far and the macro Government policy developments that are currently unfolding, KALACC has identified the necessary steps towards successfully co-designing the KJJS moving forward below. The underlying thread is to empower Aboriginal communities to design, lead and deliver effective local initiatives regarding juvenile justice:

1. **Develop a partnership and Memorandum of Understanding with KALACC**, as the Kimberley region's peak Aboriginal cultural governance structure that can mobilise other Kimberley-based ACCOs to co-design juvenile justice strategies with the Government
2. **Invest in adequate, long-term resourcing** of the KJJS co-design process, recognising that this process will necessarily take considerable time and resources
3. **Commit to inter-agency engagement and cooperation** across Government departments during the co-design process
4. **Establish a regional governance and decision-making process** that incorporates existing Aboriginal cultural governance structures – including instances where Government departments are involved alongside KALACC and other cultural representatives
5. **Establish local steering committees** to feed into the regional governance and steering making process – with participation from local ACCOs and Government representatives (e.g. school principals and juvenile justice officers) that is driven by the ACCOs rather than the Government
6. **Establish terms of reference for local steering committees** so that it is clear what the remit and contribution of all parties are
7. **Connect with regional youth leadership** to ensure relevance and buy in from the next generation

8. **Review the existing 3-tier model and create a specific Kimberley Juvenile Justice Model** with a clear vision and objectives from the community, as well as financial investment from the Government
9. **Develop, trial, implement and establish 10-year implementation plan** that:
    i. Starts with a two-year co-design process
    ii. Has an interim plan for assisting young people immediately while co-design is taking place
    iii. Identifies and implements programs and wraparound support locally
    iv. Maps pathways for young people through the process
    v. Identifies resource allocation, including which budgets funding is to be sourced from
    vi. Introduces only programs approved by local steering committees – if a plan or program is modified from elsewhere in Australia, it must be endorsed by the local steering committee
10. **Develop, implement, establish on-Country residential sites** as articulated within the *KJJS Consultation Report* – namely two larger facilities in the East and West with smaller localised Kimberley juvenile justice camps strategically located across region (size dependent on population)
11. **Identify and strategically implement capacity building requirements for various ACCOs** – including resourcing KJJS project officer roles within KALACC – so that after 10 years the KJJS is completely ACCO driven
12. **Develop and implement monitoring, evaluation and accountability mechanisms** to assist in long-term delivery
13. **Foster broader community participation in the process** – providing not only systemic change but opportunities for healing that recognise the various community issues that will contribute to juvenile justice issues at the current or increasing levels if left unaddressed (e.g. underlying racism and unclear roles and responsibilities)
14. **Provide ongoing support for programs regarding Aboriginal culture, arts, cultural wellbeing and healing**, as per the *Kimberley Statement* of May 2020 issued by KAMS, KALACC, KLC, BBY and the UWA Centre for Best Practice in Indigenous Suicide Prevention

For ease of reference, the key outcomes from the consultation phase of the KJJS have been included in *Appendix 2*. In order to achieve true co-design, this invaluable community input must be the cornerstone of the KJJS moving forward.

CONCLUSION

At a time when the national discourse is shifting so dramatically from a bureaucratic Western paradigm to one informed and directed by culturally-based organisations, so too can the pathway forward regarding youth justice outcomes in the Kimberley be everything that is envisaged by young people, families, communities, ACCOs and Government. In order to achieve this, the co-design process must be wholly embraced to holistically drive the framework forward with strength in the coming years.

Planning and developing long-term co-designed solutions provides the opportunity to develop a comprehensive KJJS that actually reflects the voices of the Kimberley community. Moreover, co-design pathways are required to enact the long-term structural and operational change that is required to deliver culturally-appropriate services that are targeted to the needs of individuals, families and communities.

In summary, the key facets of this co-design process will be for the Government to:

- Commit to working in newfound ways that value Indigenous knowledge and methodologies and recognise their well-documented success in this arena
- Collaboratively work *in partnership* with ACCOs and community organisations, with the aims of self-determination, governance and empowerment – with Aboriginal people being active decision-makers
- Foster multifaceted interagency collaboration towards delivering wraparound services that are responsive to the needs identified by communities in the Kimberley
- Determine and deliver co-designed strategies and initiatives that are community-led and incorporate both mainstream and culturally-embedded solutions
- Undertake significantly annual investment towards an extensive co-design process that is ongoing, sustainable and responsive, recognising that longer-term funding and support will reap the best outcomes

In order to achieve the above, the State Government will need to partner with an ACCO, such as KALACC, that can provide access to and mobilise Aboriginal organisations and community members to partake in the co-design process, while also being in the position to deliver the associated outcomes.

This will have long-lasting positive outcomes in the short-, medium- and long-term for young people and their families, markedly reducing the rates of offence, incarceration and recidivism and thereby significantly improving Aboriginal wellbeing and creating safer, happier communities in the Kimberley.

As such, this document culminates in the following key recommendation from KALACC:

> **KALACC Recommendation**
>
> For the State Government to partner with an ACCO, such as KALACC, that will mobilise Aboriginal organisations and community members to collaboratively develop impactful co-design initiatives that will meaningfully improve juvenile justice outcomes in the Kimberley.

As we continue on this journey together, let us do so with the words of the Honourable Ken Wyatt, Federal Minister for Indigenous Australians, in mind:

> [W]e are developing an Indigenous voice. It's more than a voice to Parliament, and more than a voice to government. It is an acknowledgment that at a local level right through to our nation's capital – the views of Indigenous Australians matter. It will be a voice for the youngest Indigenous Australian through to our Elders, Traditional Owners and Leaders.
>
> It is empowerment. […]
>
> Genuine co-design takes time, trust and respect. And why are we doing this? Because we want to see a better Australia for everyone (p3–5, new paragraphing).

To quote the *Kooljaman Statement* from KLC, KALACC, KLRC and Aarnja:

> We challenge governments to hear our words and work with us toward a just, equitable and reconciled Australia.

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APPENDIX 1 – HISTORY OF ADVOCACY IN THE KIMBERLEY

While the current progress in the State and Commonwealth Government macro policy spheres outlined previously are an important step in ensuring meaningful change for the Kimberley, they are by no means isolated occurrences. Indeed, they are the culmination of over 40 years of advocacy by KALACC and other ACCOs on the centrality of culture for Indigenous wellbeing and the crucial need for Aboriginal empowerment within this space.

Kimberley-based ACCOs have generated and/or contributed to a broad suite of reports, amidst the establishment of the Kimberley region's peak Aboriginal organisations. In summary:

YEAR	DETAILS	AUTHOR(S)
1978	Kimberley Land Council (KLC) established	N/A
1984	Kimberley Language Resource Centre (KLRC) established	N/A
1985	KALACC established	N/A
1991	*Crocodile Hole Report: Report of the conference on resource development and Kimberley Aboriginal control*	KLC and Waringarri Resource Centre
1995	*Wire Yard Report*	KALACC
2006	*Aboriginal Customary Laws: The interaction of Western Australian laws with Aboriginal law and culture – Final Report*	Law Reform Commission of WA
2009	*Report for Yiriman Kourd*	WA Department of the Attorney-General
2010	*Aboriginal Justice Agreement – Draft Fitzroy Valley Local Justice Agreement*	WA Department of the Attorney-General
	Kimberley Aboriginal Caring for Country Plan	KLRC and Nulungu Research Institute
	Yiriman Project Business Plan	Yiriman Project
2013	*"We know they healthy cos they on country with old people": demonstrating the value of the Yiriman Project (2010–2013) [Yiriman Project Evaluation]*	Murdoch University
	Kimberley Juvenile Justice Diversion Scoping and Theoretical Framework	KALACC and University of WA Professor Harry Blagg (Criminology)
2014	*Fitzroy Valley Regional Partnership Agreement Proposal*	WA Department of Indigenous Affairs and Fitzroy Valley Futures
2017	*Cultural Solutions: Shared Pathways for Engagement in the Kimberley (known as the Cultural Solutions Position Paper)*	KALACC
	The Yiriman Project in the West Kimberley: An example of justice reinvestment?	Indigenous Justice Clearinghouse and Nulungu Research Institute
	Submission Regarding the Young Offenders Act	KALACC
2019	*Yiriman Project Consolidation Plan*	Yiriman Project
2020	*Kimberley Aboriginal Caring for Culture Discussion Report*	KALACC
	Kooljaman Statement	KALACC, KLC, KLRC and Aarnja

APPENDIX 2 – KEY KJJS CONSULTATION PHASE OUTCOMES

Community consultation across the region was conducted from July 2019 to February 2020. A total of 68 ACCOs, 18 NGOs and 42 Government departments participated in or were represented in the consultation process for the preparation of the KJJS, along with more than 50 young people. Individuals, young people, families and organisations were given the opportunity to contribute via community workshops or one-on-one meetings. Several organisations chose to engage with more than one of these methods.

Overseen by the KALACC Directors at quarterly meetings, both the Men's and Women's Deputy Chairpersons were engaged as co-facilitators in the consultation process. Implemented through a solution and strength-based approach with a focus on local community capability, a number of tasks were conducted to ensure that all sectors of the community had the opportunity to participate in and inform the process. These included workshops, interviews and a literature review.

The importance of the community perspectives and contribution must be a cornerstone of the KJJS as it progresses. The collective voices articulated clear messages about the fundamental improvements required in the co-design process, which are captured below (see also *KJJS Consultation Report* p125–127).

OVERARCHING CONSULTATION OUTCOMES

Culture is the building block from which co-designed justice solutions are developed

Re-investing in culturally-based solutions at the earliest point of contact with the justice system is to be achieved through working with local, remote communities, their Elders and community representatives. Culture must be the focal point of the KJJS in terms of:

- Valuing Elders and traditional knowledge, and supporting them with a role in young people's lives
- Providing cultural camps for young people to connect to land, language, community and culture
- Fostering opportunities to teach culture and promote cultural identity in young people
- Providing healing places and centres for young people to gather, connect and heal based on culture
- Facilitating cultural activities and community gatherings

Young people and their families require support and access to culturally-appropriate services

It was agreed that youth and family wellbeing are intrinsically linked. A young person's family must be involved in their wellbeing and play a role in reducing their risk of coming into contact with the justice system.

The following were recognised as unmet needs in the community that relate to prevention, family support and on-Country alternatives to detention:

- Access to youth workers and cultural maintenance officers
- Support for young people via life skills, leadership and mentorship programs
- Food security (i.e. healthy and affordable food in community stores)
- Access to sport and recreational programs
- Availability of structured activities to avoid boredom
- Re-engaging young people into educational pathways
- Supporting young people to access engaging activities outside business hours and during school holidays

Moreover, family and parenting support initiatives are required to:

- Enable parents to be more engaged
- Build the capacity of parents and grandparents to support young people
- Improve access to family counselling and therapy services
- Support young people and families with FASD and reduce its prevalence within community
- Provide access to young people and their families to relevant wraparound services

Furthermore, on-Country alternatives to detention are needed to:

- Keep young people on Country where they have access to family support and culturally-appropriate services to address their offending behaviour
- Support young people to address alcohol and other drugs and violent behaviour
- Support young people returning from detention to re-integrate into community and access relevant support services

Self-determination and empowerment of the community is needed

The need for communities and people to be empowered and in control of their own lives was clear. The community has stated that the path to self-determination was to transition funds and resources to communities through ACCOs rather than external agencies or NGOs. This aligns with the Department of Communities' *Aboriginal Community Controlled Organisations Strategy to 2022*, which advocates for all non-ACCO service providers to ensure transition to ACCO delivery within five years of receipt of respective funding. Aligning with this, issues raised included:

- A locally run and coordinated approach with the necessary resources is required for services to be delivered (i.e. programs and infrastructure, including training and mentoring)
- Insecure funding, whereby ACCOs were continually required to compete with each other, impedes self-determination
- Longer-term funding for ACCOs is required to provide stability and enable long-term planning
- The need to build the capacity of people and communities must be prioritised

Improved access to housing facilities for is required

While overcrowding and housing issues are by no means new issues, the need to ensure that young people have access to adequate housing – particularly to support education, training and employment – was a key point shared repeatedly across the region. This needs to include:

- Safe and culturally-appropriate housing for young people in both towns and remote areas
- Dedicated accommodation for young people during short periods (e.g. for short courses, contract employment and so on)

Vocational training and employment is a high priority for young people

Young people require support when they complete school or are re-engaging with alternative educational pathways to:

- Access vocational training opportunities and facilities
- Secure and maintain employment
- Access independent housing to travel from communities to larger towns for traineeships and/or employment
- Create traineeships within communities for young people so that they do not need to go to larger towns if they do not want to

- Foster pathways for young people to transition between full-time education and employment – importantly, this needs to include community-based options for those who do not wish to transition to larger towns, thereby reducing boredom and providing much-needed opportunities

Working in partnership with Government to address the needs of young people

Unsurprisingly there was a great deal of conversation at all meetings regarding both the failings of previous Government-led programs and the cessation of successful community-led initiatives when Government funding cycles impeded access to continuing resources. Many discussed the shortcomings of externally-developed programs outside the region that were not suited to the Kimberley's cultural landscape, including:

- Communities felt strongly that past and current approaches were not working, resulting in significant unmet needs – in particular, multiple agencies working in silos was seen as a major concern, with decisions made at a distance and in isolation from Perth or Canberra
- The ability to access a range of services required by young people could be improved through better collaboration between Government agencies and service providers
- Improving the relationship with the WA Police was important as they are usually the first point of contact with the justice system

Residential facilities are needed in the East and West Kimberley

The remaining two focus elements during the consultation were the proposed residential facilities in the East and West Kimberley, in addition to access to a range of wraparound support services and internally and externally delivered programs (i.e. pre-, during and post-residence; and alternative or diversionary sentencing options). Support services would need to be provided both the young people and their families.

Knowing the current detention arrangements are highly problematic, developing alternatives to remain local and on-Country is preferred. This allows young people to maintain connection with their family, community and culture, thereby markedly increasing the likelihood of their rehabilitation.

While residential sites are yet to be finalised, a number of options have been identified. In the East Kimberley this includes Argyle Diamond Mine Site (Gelganyem); Koonji Community; Station near Mindibungu (Bililuna); and Ord River Project. In the West Kimberley this includes Broome (Roebuck Plains Station); Derby (Myroodah Station, Balginjirr and Udialla); and Fitzroy Crossing (Biridu Community and Leopold Station).

While there is broad consensus that facilities are required, during consultation many communities identified the need for a local on-Country facility for their young people. Across the region, all communities identified the preference for these locally-based on-Country residential facilities to be in relatively close proximity to each township or major community. Each one would need to be supported by internally and externally delivered programs, with access to local wraparound support services for the family and young people.

This would mean that rather than a bigger facility located in both the East and West, that there would be medium-sized ones in Kununurra, Wyndham, Warmun, Halls Creek, Fitzroy Crossing, Derby and Broome (catering to 10–50 young people, depending on the size of the town and interaction with the juvenile justice program); with additional smaller ones established for the Tjurabalan/Kujungka areas, Dampier Peninsula, Gibb River Road and possibly also to the south of Bidyadanga (accommodating 5–20 young people – more like permanent camps).