



**Submission to the justice reinvestment project: Discussion paper**

April 2023



**Jesuit  
Social Services**  
Building a Just Society

## 1. ABOUT JESUIT SOCIAL SERVICES

Jesuit Social Services has been working for over 45 years, delivering supports and services across Victoria, Western Sydney and the Northern Territory. We work to build a just society by advocating for the improved policies, legislation and resources necessary for strong, cohesive and vibrant communities. Communities where every individual can play a role and flourish.

As a social change organisation, we seek to **do** and to **influence**. Working alongside people experiencing disadvantage, listening to their stories and advocating for systemic change. Many of the people we work with are experiencing multiple and complex challenges and require collaborative, sustainable supports, capable of meeting their needs.

Our services and advocacy focus on the following areas:

- **Place-based approaches and ecological justice** – advocacy and research on the systemic change needed to achieve a ‘just transition’ towards a sustainable future, and supporting community members to lead more sustainable lives through place-based approaches
- **Justice and crime prevention** – aiming to reducing contact with the justice system
- **Education, training and employment** – minimizing barriers and creating pathways to education, training and sustainable employment
- **Mental health and wellbeing** – ensuring equal and equitable access to supports for people with multiple and complex needs including mental illness, trauma, homelessness and bereavement
- **Gender Justice** – leadership on the reduction of violence and other harmful behaviours prevalent among boys and men, and new approaches to improve their wellbeing and keep families and communities safe
- **Settlement and community building** – recently arrived immigrants and refugees, and disadvantaged communities.

Our research, advocacy and policy is coordinated across all of our service and policy portfolios. Grounding our advocacy with the knowledge, expertise and experiences of program staff and participants, and academic research and evidence. We seek to influence policies, practices, legislation and budget investment to positively influence people’s lives and improve approaches to addressing long-term social challenges. We do this by working collaboratively with the community sector and building strong relationships with key decision makers and community.

For further information, contact:

**Julie Edwards, CEO, Jesuit Social Services**

T: (03) 9421 7604

E: [julie.edwards@jss.org.au](mailto:julie.edwards@jss.org.au)

M: 0418 163 539

*Jesuit Social Services acknowledges the Traditional Custodians of all the lands on which Jesuit Social Services operates and pay respect to their Elders past and present. We express our gratitude First Nations people’s love and care of people, community, land and all life.*

## GLOSSARY

**Centre for Just Places (CJP):** established by Jesuit Social Services to support and enable place- based approaches to social and ecological justice through research, collaboration, engagement and knowledge exchange and have done some great work and is particularly relevant to justice reinvestment in Australia<sup>i</sup>

**First Nations:** used to refer to all First Nations peoples around Australia to respectfully encompass the diversity of Aboriginal and Torres Strait Islander cultures and identities

**Justice reinvestment (JR):** a criminal justice policy approach that prioritises prevention and diversion over detention. It is a form of preventative financing in which governments redirect resources spent on incarcerating offenders into community-based programs and services that aim to address underlying causes of criminality<sup>ii</sup>

**Place- based approach (PBA):** collaborative, long-term approach to build thriving communities delivered in a defined geographic location. This approach is ideally characterised by partnering and shared design, shared stewardship, and shared accountability for outcomes and impacts<sup>iii</sup>

## 2. INTRODUCTION

*‘The most effective mechanism for improving the responsiveness of services and effectiveness of outcomes is to increase the involvement of, and control by, communities and locally-based organisations in the planning, coordination and provision of services. The degree to which justice reinvestment achieves this, will determine the success of any future reforms.’*

**Julie Edwards, CEO Jesuit Social Services**

After a number of parliamentary reports recommended that governments trial justice reinvestment in Australia<sup>iv</sup>, Jesuit Social Services has welcomed the Commonwealth Government’s \$69 million grants funding announcement late last year.<sup>v</sup> It demonstrates an important commitment to Closing the Gap and to improving outcomes for families and communities around the Country.

Responses to crime, disadvantage and poor quality of life in some local communities, require more than current systems and policies are offering. This is evident when half of young people released from detention reoffend and return within 12 months, when Aboriginal young people remain 25 times more likely to be in detention than non-Indigenous young people<sup>vi</sup> and when the prison population continues to grow, up from 29,700 in 2010 to 41,060 in 2020<sup>vii</sup>. In recognising a need for change and reform, Jesuit Social Services welcomes the opportunity to respond to the *‘Justice Reinvestment Design- Discussion Paper,’* recognising the importance of a community led, placed-based Justice Reinvestment Project and Unit.

The move towards justice reinvestment (JR) has been driven in part by a realisation that small subsets of communities within a state or nation are far more likely than others to generate patterns of chronic offending that are costly. As demonstrated in our [Dropping off the Edge research](#), released over five reports since 1999 and most recently in 2021, disproportionate levels of unemployment, housing stress and the disengagement of young people in education and employment, among a series of other indicators for disadvantage, continue to be concentrated in a small number of communities across Australia.<sup>viii</sup> All of these factors can be strong drivers for involvement in the justice system.

Jesuit Social Services has been advocating for a number of years for the establishment of community-based alternatives to incarceration and the exploration of applying a JR model in Australia<sup>ix</sup>, including responding to the 2013 *Senate Inquiry into the value of a JR approach to criminal justice in Australia* ([available here](#)). Further, in 2017 we wrote a position paper about the importance of learning from people and understanding that where a person lives and the community they are part of, affects their likelihood of coming into contact with the justice system. The paper [‘Flourishing communities- Taking lessons from place-based approaches, justice reinvestment and social cohesion’](#) highlights that in order to reduce crime and ensure children and families have the supports and resources to thrive, we must focus on areas of disadvantage in a concerted way that takes into account the specific structural issues and conditions that hinder participation in society.

Jesuit Social Services is generally supportive of the intent of this project and JR in Australia, however, our submission raises some initial concerns and feedback regarding the process thus far and the extent to which JR principles intend to be embedded in the project. We believe some of the questions posed in the Discussion Paper are being rushed and cannot be sufficiently answered until significant consultation with communities has been completed, with appropriate timeframes, communication and platforms for providing feedback. Therefore, our submission is structured in the following way:

- Introduction and background
- Key justice reinvestment principles and feedback
- Additional concerns
- Response to the Discussion Paper questions.

## BACKGROUND

Punitive responses that rely on incarceration, separate individuals from their connection to family, friends, Country and culture, and places them in unfamiliar, sterile environments where they do not have a support network, nor the agency to make decisions about their day-to-day lives. Those leaving prison have high hopes of making a new beginning, but with inadequate supports and resources post-release, this is often not realised, as reflected in the high recidivism numbers. Over the past 20 years, researchers have also revealed the harm of parental incarceration on children and have repeatedly urged governments to act in order to disrupt intergenerational cycles of offending.<sup>x12</sup> For these reasons among others, it is widely reported incarceration does little to reduce crime and alternatively causes more harm and increases the likelihood of reoffending.

JR was originally developed in the US as a way of addressing the unsustainably high imprisonment and recidivism rates and spiralling costs that characterised US incarceration practices.<sup>xi</sup> Local services aimed at addressing entrenched social causes of criminality, tended to be poorly resourced and coordinated, despite the vast funds poured into incarcerating offenders from specific US postal codes.<sup>xii</sup> Thus as an alternative, the creation of JR as a criminal justice policy approach was created, aiming to address underlying causes of criminality such as mental health, homelessness and substance abuse.<sup>xiii</sup>

Originally developed with a different baseline in the US (higher rates of criminalisation and less rehabilitation-based initiatives), approaches have evolved beyond this initial concept, with a broader application in Australia aimed at reducing crime, strengthening communities and addressing issues contributing to the over-representation of First Nations peoples. It is important to note that although First Nations peoples are over-represented in the criminal justice system<sup>xiv</sup>, the issue of crime in Australian towns and communities is not the responsibility of First Nations peoples to fix, but the responsibility of the entire community, community sector and government.

First Nations peoples are resilient, strong and proud, having overcome dispossession and the forced removal of children from family, community and from their Country.<sup>xv</sup> The enduring impacts of colonisation remain, leaving behind intergenerational trauma, systemic racism, weakened connections to culture and poorer health and wellbeing outcomes.<sup>xvi</sup> This history is not something we can shy away from. Instead, it needs to be understood and acknowledged in JR approaches, including prioritising self-determination and culture.<sup>xvii</sup> Communities hold the knowledge and expertise needed to achieve impactful, long-term change and investing in community led, place-based models is the way forward.

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<sup>1</sup> Recently echoed by Jesuit Social Services in our submission to the 'Inquiry into Children affected by Parental Incarceration' in Victoria ([available here](#))

<sup>2</sup> The Legislative Council Legal and Social Issues Committee was due to report back to Parliament by 1 July 2022, currently awaiting Government response

### 3. KEY PRINCIPLES AND FEEDBACK

#### a. PLACE-BASED

As raised in the Discussion Paper, having a place-based approach (PBA) is foundational to ensuring the success of JR initiatives in Australia. A place, including its people, climate, culture, services and infrastructure is unique and communities hold the knowledge to respond to local issues as well as to address the interrelated root causes of disadvantage.

In particular, First Nations people's understanding of 'place' is multi-faceted, reflecting a holistic approach to social and emotional wellbeing that incorporates connection to Country, Ancestors, history, sacred sites, culture and natural environment.<sup>xviii</sup> Given family and kinship connections are grounded in rich cultural significance and history of Country, many First Nations peoples travel large distances, regularly and across 'borders', for cultural and ceremonial business. Historically, mobility was characterised by family and culture.<sup>xix</sup> More recently however, the inability for remote communities to have daily living needs met also appears to have an influence on patterns of mobility, including a lack of service delivery and infrastructure, exacerbated by climate change<sup>xx</sup> and the rising cost of living.

In recognising the value and importance of PBA, in 2021 with significant seed funding from Gandel Foundation and the Victorian Government, Jesuit Social Services established the [Centre for Just Places](#) (CJP) to support and enable PBA to social and ecological justice through research, collaboration, engagement and knowledge exchange. Jesuit Social Services conceptualises PBA as 'a collaborative, long-term approach to build thriving communities delivered in a defined geographic location'. This approach is used to determine innovative ways to address disadvantage and inequity, strengthen resilience to crises in place, and build thriving and resilient communities.<sup>xxi</sup>

In 2021-22, the CJP led a consortium of research partners examining evidence from the literature and practice to understand what features enable the success of PBA and how to best support them – information essential to improving the wellbeing of communities into the future. Our literature review revealed sustainable, flexible and adequate resourcing to be a critical enabler of effective place-based approaches, and thus a deep, genuine understanding of what place-based means, in different jurisdictions and in different communities is essential.<sup>xxii</sup> How the Justice Reinvestment Project and Unit applies the principle of place-based, as well as how it is resourced, will have a significant impact on the success and sustainability of JR.

Whilst our research has up until this point been focused predominantly in Victoria, we believe there are key learnings from literature relevant across jurisdictions and when working with First Nations communities as part of JR, including universal features to underpin PBA, such as:

- Strong focus on place
- Commitment to promoting equity
- Commitment to power-sharing and self determination
- Adopt a strengths-based lens
- Articulate a theory of change
- Based on principles of good governance
- Shift from managerial, transactional service delivery approaches to 'movement building'
- Understand that collaborative systems change takes time.<sup>xxiii</sup>

Jesuit Social Services is still exploring how we can apply this research and practice across the three jurisdictions we work in but believe these features and principles could be of use in the design of a Justice Reinvestment Project and Unit. The research and reports are available [here](#).

#### b. STRONG LOCAL LEADERSHIP AND COMMUNITY LED

JR initiatives start with communities, and it is communities who hold the lived histories, experiences and understanding of their strengths, needs and vulnerabilities. In the Australian context, this requires not only community led leadership, but First Nations leadership. Maragnuka (NSW) and Olabud Doogethu (WA) are examples of this, both initiated, developed and now led and governed by First Nations communities and leadership groups.<sup>xxiv</sup> Maragnuka is guided and led by the Bourke Tribal Council, comprising of 27 Tribal groups in Bourke.<sup>xxv</sup> The leadership and collaboration of these Tribal groups has been foundational to the initiative's success so far.<sup>xxvi</sup>

The Discussion Paper acknowledges the importance of this, with principles including a focus on community leadership and inclusion of First Nations led JR initiatives. To adhere to this, the voices of communities, including First Nations voices, Aboriginal Community Controlled Organisations (ACCOS), local organisations and other key stakeholders, such as young people, must be sought out, heard and brought to the forefront. We take this opportunity to echo our [2022 Federal Election Platform- 'A blueprint for a just recovery'](#), for the 'establishment of a National Justice Reinvestment Body that embeds Aboriginal leadership and expertise at all levels.'

A genuine commitment to a community-led JR Project and Unit requires power sharing in decision-making between governments and communities. Without genuinely listening to and allowing decision making by communities across design, implementation, delivery and evaluation, governments run the risk of funding initiatives that do not have capacity to meet demand or are unable to demonstrate cultural safety and competency. This can lead to a variety of negative outcomes such as staff burn out, duplication and poor quality of service provision, which are arguably already seen in other non-JR initiatives.<sup>xxvii</sup> The self-determination and autonomy of First Nations people needs to be promoted as part of developmental and implementation processes, and maintained as a long-term goal of JR.

Community led initiatives must also encompass a strengths-based approach, recognising the strengths and resilience of First Nations communities and of children and families facing significant disadvantage. With this project comes an opportunity for governments, the community sector and communities to recognise and acknowledge the history of First Nations peoples and the racism and systemic discrimination they still face today. It is a reciprocal, two-way learning opportunity<sup>xxviii</sup> - not only to build the capacity of First Nations communities and to create a responsive, culturally safe service system, but also for the non-Indigenous population to reflect on, learn and understand Australia's history.

We want to emphasise, the importance of community strengthening processes and frameworks necessary to ensure communities have the skills and capacity to lead this work and to determine a shared goal. This includes drawing on the knowledge, skills, data and expertise of community-based stakeholders to assist communities in making informed decisions about what strategies might be suited and/or adopted. Community strengths should be leveraged to drive a JR initiative, however all stakeholders have a role to play in ensuring its success. Jesuit Social Services believes the Commonwealth Government has a key part to play in building and promoting the strengths and capacities of communities as part of JR, encouraging ownership of this process and empowering them to lead initiatives effectively.<sup>xxix</sup>

### **c. DATA INFORMED**

Jesuit Social Services strongly agrees that JR needs to be driven by data and research,<sup>xxx</sup> using evidence to determine drivers of crime and to measure the success of initiatives. This element is key to ensuring communities can monitor progression and outcomes as well as ensuring supports and services are tailored to their needs, and to help determine appropriate distribution of funding and resourcing.

The Discussion Paper refers to, and Jesuit Social Services is in agreement with, the need for data informed decision-making in relation to applying for JR funding. This requires transparency from



government and organisations possessing data. First Nations communities may not have access to data and evidence relevant to their local contexts, so it is important that data is available and accessible to the community from which it was collected. “Data has consistently been extracted from Aboriginal and Torres Strait Islander communities, to be used in decision-making impacting on these communities but from which they are generally excluded”.<sup>xxxii</sup> JR initiatives must be informed by and align with the principles of data sovereignty.<sup>xxxii</sup>

There are now a number of JR initiatives progressing around Australia including in Port Adelaide, Rockhampton, Cherbourg, Shire of Halls Creek, Moree, Mount Druitt, Bourke and the ACT, of which several have undertaken evaluations, using different indicators and approaches to measure success.<sup>xxxiii</sup> A number of independent evaluations of JR initiatives have been conducted, however there is no national evidence base to consolidate promising practice and data relating to JR in Australia. In the context of Closing the Gap, in 2016 the Australian Labor Party (ALP) pledged to, “*through COAG, establish a national coordinating body to build the evidence base, collect data and measure progress to monitor the effectiveness of justice reinvestment in the Australian context.*”<sup>xxxiv</sup>

While we understand that the establishment of the Unit proposed in the Discussion Paper is likely intended to fulfil this commitment, we note that the landscape is now inhabited by multiple initiatives with no consistent approach to planning, data collection and implementation. It is important to establish an evidence base surrounding the current needs of a communities, and as part of our Dropping off the Edge research, we have been able to identify areas facing the greatest disadvantage—we believe this could be a useful source of data to include in the planning of future initiatives.

We also believe the principle of ‘data informed’ should be applied to how initiatives are funded. To continue building an evidence base, tailor initiatives and monitor success, funding must incorporate an evaluation component with appropriate mechanisms of data collection. While each evaluation framework will adopt their own place-based goals and indicators, initiatives should consistently have the capacity and resourcing to collect and interpret data. Funding for evaluation must be included in initial grants to track progress from inception including key learnings about design and implementation.

#### **d. ADDRESSING THE DRIVERS OF INCARCERATION AND SYSTEMIC CHANGE**

In order to address ‘upstream’ drivers of incarceration, systemic change across all service systems is needed. Clearly identifying the social determinants of health and acknowledging the ongoing impacts that systemic racism and colonisation has on First Nations peoples will be an important feature of adopting a holistic, strengths-based approach to community-based strategies.

This approach can be enabled through policy, legislative and practice reforms that prioritise healing. Principles associated with JR, such as community led, First Nations leadership, data informed practice and collaboration, must be embedded across the spectrum of the justice and service system reform, in prevention, early intervention and tertiary responses.<sup>xxxv</sup> Reform in these domains can complement JR initiatives and, in some cases, improve effectiveness.<sup>xxxvi</sup>

Tightening bail laws, such as the recent reform in the Northern Territory that introduced a presumption against bail for violent offences involving a weapon, is expected to increase incarceration and, as we know, ultimately lead to increased reoffending. Reforming laws regarding sentencing and bail, post-release conditions, and parole and probation supervision could facilitate a decline in imprisonment rates as part of a JR approach - in particular rates of incarceration of First Nations peoples, who are 25 times more likely to be in detention than non-Indigenous young people.<sup>xxxvii</sup>

There will also be benefit in legislating diversion and sentencing options that allow for community-based alternatives to detention. Specifically, abolition of mandatory sentencing laws – which tend to



disproportionately impact upon First Nations peoples – could enhance JR initiatives by lowering incarceration rates and thereby freeing up funds for preventative and rehabilitative programs.<sup>xxxviii</sup> Laws providing for imprisonment in lieu of unpaid fines should likewise be abolished.

Laws introducing and implementing state and territory Aboriginal Justice Agreements (AJAs) could bolster the success of JR initiatives by diverting resources into programs primarily funded as part of these agreements, including community-led diversion programs and local programs aimed at preventing first-time offending. Additional relevant reform priorities (discussed in detail in our [Federal Pre-Budget Submission 2023-24](#)), include:

- Raising the age of criminal responsibility to at least 14 years of age with no carve outs across all states and territories
- Greater emphasis and funding for restorative, family centred, therapeutic practices in youth justice, in particular for children under the age of 14
- Continuing to progress aspirations of First Nations peoples articulated in the Uluru Statement from the Heart
- Implementing a Federal Social Procurement Policy
- Prioritising investment in new social housing as part of the National Housing Accord.<sup>xxxix</sup>

A Justice Reinvestment Project and Unit must also align objectives and outcomes with existing national policy frameworks such as the Closing the Gap National Agreement. Where appropriate, JR initiatives should align with key policy frameworks in each jurisdiction including AJAs in Victoria and the Northern Territory. Laws that ensure government accountability in relation to JR initiatives should also be embraced, such as in the form of legislation establishing a national coordinating body to build an evidence base, collect data and measure progress to monitor the effectiveness of JR in the Australian context – as pledged by the ALP.<sup>xi</sup>

The Discussion Paper notes that other sector reforms are necessary, but that “the National Justice Reinvestment Program will remain community focused and responsive to needs and priorities as identified by communities”.<sup>xii</sup> There are still long standing policy and legislative recommendations outlined in key inquiries and royal commissions such as the Royal Commission into Aboriginal Deaths in Custody and the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their families, the ‘Bringing them Home Report’.<sup>xiii</sup> Communities have long been advocating for complete implementation and these should be progressed rather than waiting for guidance as part of a JR process.

In recognising the complexity of compounding, intergenerational drivers of incarceration and to achieve systemic, sustainable change there needs to be collaboration and commitment from all stakeholders. This includes from community members, ACCOs, NGOs, businesses, police and local governments, as well as the Commonwealth Government and all government departments.

## 4. ADDITIONAL CONCERNS

### THOROUGH AND GENUINE COMMUNITY CONSULTATION

Based on our own experiences, and anecdotal feedback from sector and community representatives, communication and information around JR funding has been unclear, particularly regarding timelines and processes. Whilst it has been emphasised it is in the early stages, and that there is time for communities to think and plan, the progression of JR in Alice Springs from the Commonwealth Government suggests otherwise and communities are eager to act.

Similarly, whilst JR funding has been announced for a four-year period, anecdotally we have heard from communities concerns about ‘missing out’ if they wait too long to apply for readiness funding or

funding for JR initiatives. As mentioned previously, the current funding pool for each community could be relatively small and the number of initiatives remains unconfirmed. There is also uncertainty about the availability of funding over the four-year period.

We welcome the opportunity to provide a response to this Discussion Paper, however, believe the tight turn around and format restricts the ability to receive well-informed, collaborative responses. The intent of this Discussion Paper is to inform the next steps and the design of a Justice Reinvestment Project and Unit, however we believe that more thought needs to be given to early engagement, particularly with communities who have not yet had the capacity to undertake preliminary thinking and planning to understand the concept of JR.

## FUNDING

Whilst funding for JR is a positive announcement, Jesuit Social Services is concerned as to the amount committed by the Commonwealth Government, particularly as there is currently no other funding commitments from state and territory governments. The funding announcement of \$69 million over four years for up to 30 communities, may end up equating to \$2.3 million per site or approximately \$500,000 per year<sup>xliii</sup> (if 30 projects are funded). Even with the additional \$20 million per year from 2026-27, questions arise as to whether this is a sustainable amount to enable thorough implementation, delivery and evaluation of JR initiatives in the long term. There needs to be an ongoing funding commitment from state and territory governments in addition to Commonwealth contributions.

The premise of JR is to redirect financing towards community based, preventative programs. In order to do that, and to ultimately minimise government spending and intervention, significant upfront funding and resourcing is required.<sup>xliii</sup> Inadequate funding at any point will negatively impact on the progress and ultimate success of JR initiatives.<sup>xliii</sup> The commitment of funds and support for the JR initiative from state and territory governments for each project will be necessary for the long-term sustainability of the program. While other JR initiatives have also often received philanthropic funding, there needs to be structured engagement with key state and territory government departments and agencies to facilitate their long-term commitment and funding. Jesuit Social Services is interested to know what level (if any) of commitment there is by state and territory governments to the JR Program.

Previously, a number of JR initiatives in Australia, such as Tiraapendi Wodli (Port Adelaide) and Maranguka (NSW), have received funding from multiple sources for particular projects, including government, philanthropic organisations and NGOs. There have been some benefits, such as having agency and flexibility to incorporate 'Aboriginal community leadership, control and flexibility',<sup>xliii</sup> however, it also brings with it challenges. Projects end up only receiving ad-hoc funding and there is additional administration associated with having smaller contributions from multiple funding streams.

The autonomy related to non-government funding sources provides communities with flexibility, however Government also has a responsibility to provide sufficient core funding and must make a long-term commitment to funding JR initiatives, in order to support their long-term sustainability. Corporate and philanthropic funders of JR will be willing to complement government funding but will need the long-term assurance of Government support if they are to commit funds.<sup>xliii</sup>

As JR initiatives progress and the capacity of communities increase, it is essential that funding models retain flexibility in order to allocate finances as required and respond to issues as they arise. Further, we are concerned about the capacity of communities and community organisations to access data in order to inform funding allocation and to monitor changes. The Discussion Paper asks 'what' should be funded, however it is important to consider 'how' initiatives are funded. Traditional competitive funding models may create division between organisations, Traditional Owners and community members. Prior to deciding what should be funded, Government needs to consult with communities

and current JR initiatives about appropriate funding models, including on how best to incorporate a data and evaluation component.

JR is a process that seeks to emphasise the role of community leadership and community control, and requires a collaborative, flexible funding model led by local community.<sup>xlviii</sup> We acknowledge the complexity around creating an appropriate funding model, however government will need to recognise this different way of working, trusting communities to lead the work and move away from competitive funding models.

## **LONG-TERM, SUSTAINABILITY**

We welcome the Discussion Paper's acknowledgements of the long-term nature of JR, however express concern in how this will be practically implemented. Systemic, structural reform is a slow and non-linear process which takes time, both in its development and implementation. Developing JR initiatives initially requires intercommunity collaboration and participation, followed by community engagement with government agencies. For instance, existing JR initiatives such as Olabud Doogethu in WA, found that it has taken time for youth engagement night officers to build trusted relationships with young people. Significant time elapsed before more systemic and positive outcomes were available and many young people were observed to have weakened connections to their culture which hampered the process of building trust.<sup>xlix</sup>

Governments also need to build long-term, trusting relationships with communities and community organisations in order for JR initiatives to achieve long-term, sustainable change. With proportionate resourcing, communities will be able to build the capacity and capability to sustainably lead initiatives.<sup>l</sup> This involves leveraging local knowledge to continue to drive the work of JR initiatives, even after this initial funding block. Further, as previously discussed, funding needs to be sufficient, sustainable and flexible if it is to be successfully supporting communities to lead JR initiatives in the long term.. We raise concern that the suggested amount of initial funding as well as the additional \$20 million per year from 2026-27 will not be enough to support communities.

The Discussion Paper is unclear as to the availability of resources from relevant state and territory government departments (eg health, education, justice, employment, Family and community services). State and territory governments are generally responsible for providing services to local communities. Long term sustainability for the JR project therefore will need engagement and commitment of resources from these departments to complement Commonwealth funding. Long term sustainability will be dependent on the commitment of all levels of Government.

JR is not only about community engagement and community-led programs, but about a genuine commitment from governments to participate in structural, sustainable change alongside communities. The Government would need to continue evaluating and taking its own steps to examine internal policies and practices to match the efforts of local communities with long-term change.

## **CAPACITY AND CAPABILITY**

In order to be in a position to undertake this work, including putting forward a JR proposal to the Commonwealth Government, resources, time and specialist support are needed to ensure communities have sufficient capacity and capability.

The complexity of issues faced by communities is driven by a range of contributing factors including the political landscape, lack of resourcing, geographic location, the nature and volume of the work in the community sector, and, for First Nations peoples, the cultural load. More recently, the Covid-19 pandemic created additional workforce pressures, where organisations were required to quickly adapt their practices while simultaneously meeting an increase in demand for services such as family violence and housing.<sup>li</sup>

While understanding and agreeing with the principle that initiatives must be community led, this places enormous pressure on community leaders to come up with solutions to complex social problems that have hitherto been unsolved.

Workforce recruitment, retention and capability across the community sector remain ongoing issues, particularly in rural, remote and very remote communities. There is a much smaller pool of qualified, highly skilled employees to recruit from, and often less incentives, particularly for community organisations competing against government salaries and benefits. This challenge is compounded by high-demand job responsibilities that often lead to burn out, and consequently further staff turnover and disruption to service provision.

Communities will need to be able to draw upon a skilled, sustainable workforce that has the capacity to implement and maintain JR initiatives. Having a positive impact and producing generational change through JR is a long-term goal, and organisations need to have the resourcing, capacity and capability to ensure its longevity. This includes equitable and efficient resourcing for implementation, communication, data and evaluation as well as regular staff supervision, professional development and reflective practice.

It is important that this initiative has the ongoing ability to meet communities ‘where they are at’ and we are pleased to see in the Discussion Paper that grants will be available for readiness support. However, understanding how this is communicated and accessed by communities and in what format will be imperative to achieving its intended purpose. Some communities will require longer timelines than others to be engaged in the process and it is important that these communities are not disadvantaged.

## **5. OUR RESPONSE TO THE DISCUSSION PAPER**

### **THE FUTURE OF THE NATIONAL JUSTICE REINVESTMENT PROJECT**

#### **What sort of activities should be funded through the national justice reinvestment program?**

- *Community led* (discussed on pg.6)

In recognising that high rates of crime and recidivism are a symptom of compounding factors caused by entrenched disadvantage, a variety of initiatives will be required. Funding models must therefore be flexible to enable a response that is specific to the needs of communities and that is able to draw on and recognise local data and expertise.

Key learnings from existing restorative justice interventions such as Youth Justice Group Conferencing can be important resources for local communities to consider. In Victoria, Jesuit Social Services has delivered the Youth Justice Group Conferencing program for 20 years, and more recently expanded to deliver it across Northern and Central Australia, enabling dialogue between children who have offended, their victims and others harmed in the wider community. The program is grounded in the foundational principles of restorative justice.<sup>iii</sup> Evidence shows that restorative practices are more effective in reducing re-offending and making our communities safer.<sup>iii</sup>

In early 2022, the Centre for Forensic Behavioural Science at Swinburne University of Technology released their findings from an evaluation on the effectiveness of the program. Collecting the criminal histories for 2,366 young people processed through the Children’s Court between 2010 and 2018 – 836 young people participated in a conference, while 1,530 did not.<sup>iv</sup> The evaluation found group conferencing was associated with substantive reductions in the likelihood of ongoing recidivism (between 24 and 40 per cent reduced likelihood).<sup>iv</sup> The research also considered offending trajectories of young people who participated in the program, and found that they were much less likely to continue offending, even after the first recidivism event.<sup>vi</sup> Conferences without a victim in attendance were found to be just as effective in reducing recidivism as conferences attended by a primary

victim.<sup>lvii</sup> Jesuit Social Services would like to see Youth Justice Group Conferencing made the default response for children who come into contact with the justice system.

- *Holistic*

With a focus of JR being prevention and early intervention, the scope of activities must be wider than justice specific programs and should seek to adapt a broader understanding of the drivers of crime at a community level.<sup>lviii</sup> For example, both Mount Druitt and Tiraapendi Wodli developed driver license programs that were aimed at minimising driving offences by addressing issues related to attaining a licence.<sup>lix</sup> For First Nations communities in particular who adopt ‘a whole of community’ approach to improving outcomes for all<sup>lx</sup>, a wider scope of initiatives that address drivers of offending is needed. Recognising school disengagement, family and domestic violence, unemployment, poor health and wellbeing and youth disengagement generally are risk factors for contact with the justice system.<sup>lxi</sup> Addressing these issues may be the overarching goal of an initiative or alternatively be a subset. An example of this is in Maranguka which applies ‘a whole of community approach’, with the overarching goal to reduce First Nations peoples contact with the justice system, through early intervention and support for those at risk or already connected with this system’.<sup>lxii</sup>

Through investing in ‘wrap around’ programs such as Barreng Moorop Youth Justice Program, or Back on Track, Jesuit Social Services has utilised strategies in addressing drivers of incarceration which are community and ACCO led, holistic, place-based, trauma formed, and person and family-centred. Jesuit Social Services has also developed programs focusing on community strengthening in Mount Druitt, NSW, which prioritise community engagement, therapeutic support and building community resources. We work together with and are led by First Nations peoples and communities on capacity building, such as through our work in the Northern Territory, as well as having a strong focus on re-engagement in education, training and employment for people who have been involved in the justice system through various programs including Navigator and Jobs Victoria Employment Services. We believe these to be effective strategies and approaches when considering funding of activities in seeking alternatives to punitive approaches.

### **How should the success and development of justice reinvestment initiatives be measured?**

- *Place-based (pg.6)*
- *Co-designed*

It is important that indicators of success are co-designed between government, research bodies and/or experienced service providers and local community. To achieve this, communities need to have access to expert advice from those with content knowledge and experience in order to develop strategies that are evidence informed.

Whilst an overarching goal of JR may be to reduce offending and rates of incarceration, how government measures this may not align with the views of community. Similarly, what one community deems a priority and success, may not be for another<sup>lxiii</sup>. This can also be applied to causal factors of crime - as each community may be experiencing their own unique vulnerabilities and predispositions which can lead to criminalisation. In this context it may be helpful for local communities to have access to those with expertise. Measuring success therefore will be variable and depend on specific place-based factors making it imperative that all stakeholders have an agreed view on what the community is working towards.

- *Time-based, long-term and sustainable (discussed on pg.11)*

As mentioned above, JR is a long-term process rather than a short-term solution, aimed at addressing deep-rooted, entrenched disadvantage and systemic causes of offending. Systemic change at both a local and government level takes time. Measuring immediate or short-term outcomes is not necessarily an automatic indicator of the long-term success of JR initiatives and measurement needs to be longitudinal over an extended period.

## How can the Government ensure the grants process is accessible to communities and organisations wanting to apply for justice reinvestment funding?

- *Community consultation* (discussed on pg. 10)
- *A whole of government approach*

In planning for sustainability of JR initiatives, it is important to note that communities cannot be solely dependent on the JR funding announced in 2022. State and Territory government funds from relevant Departments must be incorporated into initiatives. This may include changes in procurement policies and practices to reflect community need. To demonstrate a genuine commitment to JR and to Closing the Gap, negotiating these arrangements and enabling the availability of funding must not be the sole responsibility of communities, instead it should be promoted and lead by the Commonwealth Government.

Importantly the JR program must be able to leverage the ongoing commitment of funding and support from state government agencies to ensure long term sustainability. Local communities are generally not equipped to respond to the usual grant-making processes of governments. A key concern is that responding to multiple grant-making and procurement processes could become a significant administrative burden that diverts time and energy of local people from community focused activity.

## Who should be involved in assessing application for justice reinvestment funding?

- *Community -led decision making* (discussed on pg. 7)

Similar to the design of JR initiatives being led by communities, the assessment processes and decision-making in relation to the allocation of JR funding needs to be led by communities. However, communities need to be supported with independent expertise to have the capacity and capability for decision making and advice on how to draw on evidence applicable in the local context. Successful JR projects in Australia, such as the Maranguka JR Project, are designed with the purpose of creating greater self-determination and control over decision-making of communities.

## Discussion questions on the Independent National Justice Reinvestment Unit

### How can the National Justice Reinvestment Unit best support justice reinvestment in Australia?

- *Invest in capability and capacity building* (discussed on pg. 12)
- *Build a national evidence base on justice reinvestment in Australia* (discussed on pg. 8)
- *Data collection, evaluation and sharing*

To monitor and adjust JR initiatives as required, communities need to have the capacity and capability to collect and interpret data. The Unit should fund a new or adapted system for data collection that is able to incorporate both national and place-based data sets. This system should incorporate tools, for example, that contain visual components that that make it easier to track, interpret and share findings.

### What funding or services should the Unit provide?

- *Monitoring, data and evaluation* (discussed on pg. 8)
- *Expert service providers and partnerships*

Similar to the Justice Reinvestment Partner (comprised of Ninti One, Jumbunna and the Justice Reinvestment Network Australia) who will provide capability building and readiness, the Unit should continue to adopt a 'partnering' approach and commission the expertise of experienced service providers for training and support, data analysis and community development activities within communities.

- *Information sharing*

While it is essential JR initiatives are community led, it can add a significant burden of responsibility on communities. Particularly within an Australian context where some communities such as Alice Springs and Katherine are at different stages of understanding and developing JR initiatives. In recognising this, all interested communities along with communities identified as potentially benefiting from JR, should have access to information on promising practice strategies, approaches



and programs that have been successful in other Australian JR initiatives (such as Bourke NSW), and more broadly other diversionary programs and alternatives to prison. By having access to the tools and information to address crime and drivers of offending behaviours, it will help to empower communities in designing and leading JR initiatives.

### **How should the Unit be structured and governed?**

- *A whole of government and a whole of sector approach*

It is important that the Australia Government adopts a whole-of-government approach that ensures strong coordination across states and territories as well as across departments. Facilitating close collaboration between the government and community sector to address drivers of crime is essential.<sup>lxiv</sup> Consideration needs to be given to providing structured engagement with key state and territory government departments and agencies to facilitate their long-term commitment and support to ensure sustainability beyond the availability of Commonwealth funds.

### **Where should the Unit be located?**

The Justice Reinvestment Unit should retain a small directorate/secretariat and have (funded) designated JR Development Officers in each state and territory, with the role of supporting JR initiatives. The JR Development Officers should be hosted and supported by a credible community-based service provider, one of which could benefit from taking on this role within the service system and be able to provide support to the JR project. The JR Development Officer will also play a key role in negotiating with state and Commonwealth governments departments on behalf of the local JR initiatives.

The Units should outsource key programmatic elements to experienced providers such as capacity building, training, data collection and analysis, research and evaluation. The Unit should undertake the critical task of ensuring that there is a coherent approach to JR policy and practice across key state and Commonwealth departments and ensure long term funding is maintained.

The location of the directorate/secretariat therefore becomes less critical although should probably not be located in Canberra, Sydney or Melbourne due to their social/structure differences relative to rural and remote communities. Adelaide or Darwin would therefore be possible locations. Use of online technology means that the Unit as a network can function with personnel based in multiple locations with the model of outsourcing the bulk of direct work within communities to credible and experienced practitioners and organisations.



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