



**AIATSIS**

AUSTRALIAN INSTITUTE OF  
ABORIGINAL AND TORRES STRAIT  
ISLANDER STUDIES

Exploring the feasibility of  
Justice Reinvestment  
in the Australian Capital Territory

WORKSHOP REPORT

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November 2011

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*Photograph: Workshop participants*

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## ***Workshop Participants***

### **Stakeholder representation**

Mr Mick Gooda, Social Justice Commissioner, Australian Human Rights Commission  
Mr Brendan Church, CEO, ACT Aboriginal Justice Centre  
Mr Rod Little, Director, National Congress of Australia's First Peoples  
Ms Kim Davison; Mr Fred Monaghan Gugan Gulwan Youth Aboriginal Corporation  
Ms Nerelle Poroeh, Researcher, Winnunga Nimmityjah Aboriginal Health Service  
Mr Simon Rosenberg; Ms Kate Cvetanovski, Northside Community Services  
Ms Annie Madden, Executive Officer, Australian Injecting & Illicit Drug Users League  
Ms Aimee Capper, Peer Support Worker, The Connections Program, ACT  
Ms Kathryn Sequoia, Alcohol, Tobacco and other Drugs Association ACT (ATODA)  
Acting Commander Corey Heldon, Deputy Chief Police Officer, ACT Policing  
Mr Mark Bartlett; Mr Ross Fowler, ACT Corrective Services  
Ms Melanie Saballa, ACT Chief Minister's Department  
Ms Katrina Fanning, ACT Community Services Directorate  
Professor Michael Levy, Director, Justice Health Services  
Dr Helen Watchirs; Mr Sean Costello, ACT Human Rights Commission  
Ms Christine Freudenstein; Dr Martina Wardell, Attorney-General's Department  
Ms Caroline Guild, Department of Families, Housing, Community Services & Indigenous Affairs  
Ms Barbara Causon, Department of Human Services  
Dr Kelly Richards, Australian Institute of Criminology  
Justice Richard Refshauge, Supreme Court of the ACT  
Professor Gavin Mooney, Professor of Health Economics, University of Sydney  
Professor Jon Stanhope, Professorial Fellow in Public Sector Engagement, University of Canberra  
Professor Tony Butler, Justice Health Research Program, Kirby Institute, UNSW  
Dr Ksenia Sawczak, Director, Research Services Office, University of Canberra  
Dr Cressida Fforde, Deputy Director, National Centre for Indigenous Studies, ANU

### **AIATSIS representation**

Dr Jill Guthrie, Research Fellow, (Workshop Convenor); Dr Luke Taylor, Deputy Principal (Workshop Chair); Dr Phyll Dance, Research Fellow; Mr Ray Lovett, PhD Scholar & Indigenous Visiting Research Fellow; Ms Rebecca Stubbs, Family History Unit; Mr Rod Stroud, Director – Library; Mr John Paul Janke, Director - Media and Communications; Dr Jaky Troy, Director of Research

### **Apologies**

Professor Mick Dodson, Director, National Centre for Indigenous Studies; Dr Tom Calma, Commonwealth Department of Health and Ageing; Ms Bernadette Mitcherson, ACT Corrective Services; Mr Jarrah Robbins, ACT Youth Coalition; Mr Russ Taylor AIATSIS Principal, Ms Julie Tongs, Winnunga Nimmityjah Aboriginal Health Service; Mr Phillip Brown, FAHCSIA; Mr Mark Collis, ACT Education & Training Directorate; Mr Andrew Macintosh, Ms Julie Field ACT Justice & Community Safety Directorate; Mr Matthew Willis, Australian Institute of Criminology, Ms Carrie Fowlie, Alcohol Tobacco and Other Drug Association ACT (ATODA).

**Facilitator** - Ms Kerry Pearse, Moreton Consulting

## Executive Summary

Justice reinvestment (JR) is a system-wide process for local leaders wishing to rethink how they allocate resources through the criminal justice and social service systems. Ultimately, its aim is to divest funding in prisons, to reinvest that funding in communities. JR has developed over some 15 years in the United States of America (US). The Urban Institute Justice Policy Centre in the US provides the organising framework for the JR program and policy context <sup>1</sup>. There are four methodological steps:

- (i) analysis and mapping to ascertain which geographical areas have the highest levels of crime;
- (ii) development of options to generate savings and improve local communities;
- (iii) quantifying and re-investing savings in high needs communities, and
- (iv) evaluation of the impact of that reinvestment. <sup>2</sup>

On 8 November 2011 the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) convened a workshop with wide stakeholder representation to explore the feasibility of a JR project in the Australian Capital Territory (ACT). Workshop aims included considering how JR might be implemented in the ACT and to consider the feasibility of collaborating towards an Australian Research Council (ARC) funding application. Preparation for the workshop included face-to-face meetings, phone and email communications between AIATSIS staff and invitees, and a pre-workshop survey to assess levels of interest in a collaborative process, and pre-readings about JR. Presentations from the Social Justice Commissioner, National Congress of Australia's First Peoples, ACT Chief Minister's Department, Commonwealth Attorney-General's Department, a researcher with expertise in ARC Linkage grants and AIATSIS staff provided background for discussions.

The impetus for the workshop was a newspaper article describing crime prevention and community services for 12 ACT families who had intense contact with the criminal justice systems.<sup>3</sup> The description of services suggested that elements of JR might exist. However, there was no evaluation process in place to measure the impact of services on the families or workforce. A service mapping exercise during the workshop which sought to illustrate the links between service providers, policy makers or researchers to a fictional family having contact with the criminal justice system also showed a lack of integrated services.

Although JR has been implemented in the US and United Kingdom, it has not been adopted in Australia either as an evaluation tool or a policy option. The workshop highlighted some key points: The ACT would be an ideal jurisdiction for implementation because of its population size and governance structures; A JR-type research project in the ACT should take a whole-of-community approach, i.e. not just focus on the ACT

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1. N La Vigne, S R Neusteter et al, Justice Reinvestment at the local level: Planning and Implementation Guide, <http://www.urban.org/uploadedpdf/412233-Justice-Reinvestment.pdf>

2. <http://justicereinvestment.org/>

3. <http://www.canberratimes.com.au/news/local/news/general/the-dirty-dozen-capitals-crime-families-saga/2067723.aspx>

Indigenous community; however, the biggest impact would be on the Indigenous population, given their disproportion imprisonment rates; JR is a long-term systems approach requiring high levels of collaboration; it has an evaluation component which includes cost-benefit analysis. The workshop also highlighted that the ARC criteria (for Linkage grant applications) of working collaboratively, reflect those of JR. Participants were warned against waiting for conditions to be perfect before embarking JR-type research in the ACT - that it would be preferable to undertake a small research project to gather evidence and underpin a future ARC application.

Emerging discussion themes were: the centrality community and family values in developing initiatives; the need for strong partnerships and working relationships; the need for integrated services; the need for social inclusion, the need to involve service providers at the community level. A straw poll to find out 'who is on board' resulted in almost unanimous support for research on JR in the ACT. Participants agreed to form a Reference Group to advise on ways forward. There was consensus that the ACT Human Rights Commission, the ACT Indigenous elected body and AIATSIS take a role as facilitators and form the Steering Committee for the project. Post-workshop survey feedback included the suggestion that the Chief Minister's Office and the Chief Minister's Department be invited into the process from the outset as part of the Steering Committee.

Follow-up by AIATSIS will be to continue liaison with stakeholders, including dissemination of this workshop report; post-workshop surveys(s); prepare and distribute a Discussion Paper comprising (a) a literature review of JR as implemented in the US, UK and any JR-type Australian projects and (b) what needs to occur in the ACT for a JR-type project to be implemented; and to organise a seminar series on JR.

Twenty four people responded to a pre-workshop survey about their interest in the proposed research. Another purpose of the pre-workshop survey was for invitees to learn about each other's perspectives, roles and responsibilities before the workshop. Responses were shared electronically before the workshop. They were also used to shape the workshop.

An anonymous post-workshop survey canvassed ideas which participants may not have had the opportunity to express during the workshop. Feedback was overwhelmingly positive. Another suggestion was that the Chief Minister's Office and Chief Minister's Department staff also be invited to form the Steering Committee for the project.

## Workshop Proceedings

### Welcome - Dr Jill Guthrie

Workshop convener, Dr Jill Guthrie, opened with Acknowledgement of Country and welcomed participants. She identified the *original* workshop aim which was to consider the viability of pursuing an Australian Research Council (ARC) Linkage grant application researching ACT crime prevention activities using a JR methodology. However, it was evident through the pre-workshop survey that there were quite diverse understandings of JR among invitees. The workshop provided opportunities for participants to meet others interested in JR and to develop professional relationships.



*Photograph: Workshop participants*

### Introductory remarks - Dr Luke Taylor

Dr Luke Taylor, AIATSIS Deputy Principal, thanked participants for attending, explaining the workshop was to ‘*start a conversation*’. Referring to the original invitation, which identified AIATSIS interest in developing an ARC Linkage grant application, he identified a need to ‘step back.’ The pre-workshop survey gave a feel for understandings, indicating that we are at the *beginning* of a JR discussion. He identified a need to explore which research tools might be useful, emphasising JR’s strong focus on inter-agency planning. Therefore, ‘*getting people around the table begins that process*’; there is no intention to rush into a project, but it is important to consider how research might be useful. Luke said that JR is beneficial for the whole ACT community, not just the ACT Indigenous community – the strategy could be applicable to a much broader community with wide-ranging ramifications.

Luke acknowledged the meeting taking place in the Mabo Room, recounting that Mr Eddie Mabo was an AIATSIS researcher whose work led to the successful High

Court decision. He acknowledged participant, Professor Jon Stanhope, who spent some time at AIATSIS in the Native Title Research Unit.

Luke posed the question, *Why AIATSIS?* He pointed out that AIATSIS as an ARC eligible organisation, a *national* organisation based in the ACT, and therefore well situated to explore local case studies that are translatable nationally. AIATSIS has a track record in Indigenous health in the ACT; the workshop builds on the Prisoner Health Roundtable <sup>4</sup> jointly convened by AIATSIS and the Co-operative Research Centre (CRC) for Aboriginal Health in 2007. Luke acknowledged that Mick Gooda, CRC Director at that time, and several Roundtable participants now form the Indigenous Offender Health Research capacity building group being led by Professor Tony Butler <sup>5</sup>, were also present at today's workshop. The workshop builds on AIATSIS work resulting in the Winnunga Aboriginal Health Service prison project which was recognised nationally and internationally as a best practice model for Indigenous prisoner health <sup>6</sup>, as well as involvement in the implementation and analysis of the 2010 ACT Inmate Health Survey. Through these and other research projects, AIATSIS understands the disproportionate effect of the justice system on Indigenous Australians, so AIATSIS appropriately has a strategic interest in projects that might help to turn those statistics around.

Luke acknowledged the wide representation at the workshop ranging from national and local Indigenous elected bodies, Aboriginal community controlled organisations, the Human Rights Commission (local and national), other community organisations, the judiciary, ACT government including ACT Policing, Commonwealth Government and researchers. He acknowledged AIATSIS participants including the Family History Unit, and the important observation that identity issues are critical social determinants for many Indigenous people having contact with the criminal justice system. Referring to the revised aim of the workshop - to start partnerships and collaborations, Luke reminded participants that it 'may or may not result in an ARC Linkage grant application.'

### **Justice Reinvestment overview – Commissioner Mick Gooda**

Social Justice Commissioner Mick Gooda acknowledged traditional owners. He said the Roundtable <sup>1</sup>, also held in the Mabo Room, was attended by police officers, magistrates, researchers and prison advocates, and that prison advocates 'can advocate strongly for people who are not popular.' In the end, the Roundtable had 'prison advocates and the unions arm-in-arm'; Mick reminded us the process is about 'taking it easy ... building relationships.' After the Roundtable Mick said to a prison officer, 'You have a reputation in relation to research – sometimes you sabotage it.' The prison officer said it was 'because people don't listen to us ... don't think they need to talk to us ... but

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4. [http://www.lowitja.org.au/files/crcch\\_docs/DP6\\_prisonhealth.pdf](http://www.lowitja.org.au/files/crcch_docs/DP6_prisonhealth.pdf)

5. <http://www.healthinonet.ecu.edu.au/population-groups/offender-health/iohr-capacity-building-group>

6. Poroch N (2007), *You do the crime, you do the time: Best practice model of holistic health services delivery for Aboriginal and Torres Strait Islander inmates in the ACT prison*. Winnunga Nimmitjiah Aboriginal Health Service, Narrabundah, ACT

you [Mick] got us involved right from the start, so we're going to be part of it.' What was 'most important' was 'getting everyone in the room'. Mick paid his respects to all participants for their involvement.

To contextualise the discussion, Mick provided some statistics: Indigenous adults are four times more likely to be imprisoned than non-Indigenous; in the NT that figure increases to 80%; the female prison population is growing even faster, increasing by 9% last year; Indigenous offenders have high rates of recidivism – 73% have a history of prior imprisonment; more Indigenous Australians are likely to return to prison than to be trained in secondary or tertiary education - adding a 'new meaning to the idea of prisons acting as quasi-colleges for Indigenous Australians'; there are 28 more times the number of Indigenous juveniles in prison than the national rate for young people; 90% of youth in gaol in the Northern Territory are Indigenous; 25% of all Indigenous children have a parent in custody; Indigenous Australians tend to be charged with offences such as injury with intent and lower level assaults and are highly over-represented in public disorder offences, often charged with offences such as breach of bail conditions and other court orders. Mick asked participants to consider the flow-on effects of these statistics, asserting that Indigenous imprisonment data should inform Close the Gap policy.

Mick recounted a story from Geraldton, WA, where parents told him the police there are racist – figures showed that 80% of Indigenous kids there had been cautioned compared with 20% of non-Indigenous kids – the disparity was explained on the basis that the offences committed were 'different.' Together with researchers, the parents examined the nature of the offences, finding that the kids - Indigenous and non-Indigenous - had committed *exactly the same* offences. They used the research to prove that the police *were* racist. The Inspector admitted that the Force *was* racist. Mick uses this story to 'sell the idea of research' - without solid evidence there is a risk of being dismissed as 'being a bit emotional'. Mick asked, '*So what are the answers?*' Tom Calma raised the idea of JR in his 2009 Social Justice Commissioner Report, pointing out that in the United States of America (US) JR involves divestment of a portion of funds from the imprisonment sector to local communities where there are a high concentration of offenders – a reinvestment in services to address the underlying causes of crime; if crime can be connected to drugs and alcohol, then there is a need for services to address drug and alcohol dependence. You then look at the underlying causes of – for example violence and poor family relations and address those. If repeated breach of bail conditions is found to be the problem, you look at a different approach –for example, better co-ordination with magistrates and improving probation and parole services, so a breach is less likely. A large number of offenders come from a small number of families and communities – there should be commensurate spending on community services as there is in the justice system, to prevent offending.

Mick is an advocate of JR's economic argument: demographic modeling in the US showed 'literally billions' being spent on imprisoning people. In Australia, \$2.9 billion is spent on adult imprisonment. Extrapolating those figures it shows some \$650 million spent on locking up Indigenous Australians. Mick 'wondered aloud' at what could be done if that \$650 million was spent on community services. He noted in the US it is not the liberal democratic States that are adopting JR – it's the 'right-wing redneck' States such as Texas, Oregon and Arizona, with some amazing results – for example in Texas US\$240 million had been reinvested in services and US\$210.5 million was saved

between 2008-2009. For the first time in decades the prison population in that State had started to decline.

Mick sees the need to ‘start thinking cleverly about JR’, stating that another review of the criminal justice system is not what is needed. When affected individuals are asked what the problem is, they say things like, ‘it’s the non-payment of fines’. States connect non-payment of fines to disqualification from holding a driver’s licence. He noted the high numbers of Indigenous Australians in prison in Western Australia for driving offences: a simple solution he suggested it to disconnect failure to pay fines from disqualification from driving. He recounted how in Balgo in Western Australia court dates often get changed, a letter gets sent out, but it’s often not received, then the individual has missed their court date and there is a warrant out for their arrest; the individual is then tracked down and transported to Broome where they stay until they face court. Mick ‘did the figures’ on the economics of transporting individuals from Balgo to Broome mostly for offences for which they would only receive a fine! He noted the stark example of Mr Ward who had been charged with drink driving - not convicted, simply charged - and had been transported to face court: if he had been convicted he probably would have been fined. Mick asked, *Why would you transport a man 450 kilometres at the cost of two prison guards, which is actually a 900 kilometre journey as the guards had to drive out to the community as well, in order to face charges that, if anyone in this room were to be charged with, we would be out in an hour or two?* Mick identified that addressing these types of issues are the simple things that JR can do.

Mick identified the importance of accountability. He referred to a prison program in Alberta, Canada, ‘Finding your Warrior’, where ‘warrior’ is about being a protector and provider, not a fighter. The program had an 80% success rate at keeping offenders from returning to prison; it requires all participants to acknowledge their guilt – this requirement is not about punishment, it is about *accountability*. It was accountability that had ‘got him thinking about JR’: if we are diverting people away from prison to mainstream society, a key thing that needs to be addressed is individuals’ accountability for what they had done, *then* we can move on to rehabilitation. JR provides an opportunity to do that. The hardest thing after that is confronting the prison system.

Mick had spent a day touring Townsville prison and was struck by how proud officials were of the facilities. He posed these questions, *why [do] Indigenous Australians have to go to gaol to get those services? Why should there be pride in the fact that the prison will double in size – estimated to cost \$120 million in construction costs alone – a figure that will likely blow out to probably around \$160 million?* When it is finished there will also be the running costs, estimated at around \$30 million per annum. He then asked: *What sort of programs could be in place in Northern Queensland with that sort of money?* One of the challenges to be faced is the number of people who are invested in the prison system, who are proud that their prisons will double in size!

Mick had had discussed with the Attorney General about an ‘easy way’ to seriously consider these questions. Mick values research because it builds the evidence to see what works. In this regard the pre-workshop survey was an important way to articulate everyone’s needs. During his time at the CRC, Roundtable participants would be asked, *What are your interests?* Mick said it is not a conflict of interest if you pursue *your own* interests in a forum such as today’s, because only when ‘everything is put on

the table' will the research be relevant. He asked, *How can we use research to drive change? What do we do with the research once it is done?* He related how 80% of research in Indigenous health has been about *describing* the problem, only 12% focuses on solutions. But when research is done by getting people together – such as today's workshop – 'there's no need to worry too much about research transfer' because the stakeholders are invested in it. Mick envisaged workshop participants forming a Research Reference Group. He sees the potential of the approach, indicating the Australian Human Rights Commission will support it, lending whatever help it can to the research. The Commission 'does not do much on JR' – the key benefit he can bring is that as Social Justice Commissioner he submits two reports to Parliament annually. Mick stressed the need to use every means available, such as prison advocates, prison officers, service providers and others to build relationships to effect research transfer, to advocate for everyone's needs.

Mick reminded us of Einstein's definition of insanity which for him resonates in terms of how the criminal justice system has not been positively effective, which is - Doing the same thing over and over again and expecting different results! He added, 'We've done too much of the same thing for too long. Now we just need to do something different!'

#### **How it all started ... – Dr Jill Guthrie**

Dr Jill Guthrie said the pre-workshop survey highlighted diverse understandings of JR amongst participants. She then pointed out that JR is not an easy concept to grasp, suggesting it is a combination of several concepts – a philosophy, a methodology and an organising framework: a philosophy that 'most people would be willing to sign up to.' The US work provides a methodology for evaluation; the Urban Institute's *Justice Reinvestment at the Local Level: Planning and Implementation Guide* (pre workshop reading) offers an organising framework for government and service sector collaboration.

Jill set the context for how an ACT based JR study emerged. She first became aware of JR in 2009 from friend and colleague, Professor Michael Levy, who had considered it for several years having worked in the prison health field as a researcher and clinician for some 15 years, and through his collaborations with US colleagues and others.

In August 2009, Jill attended the Indigenous Young People, Crime and Justice Conference in Parramatta, where (then) Social Justice Commissioner Tom Calma talked about his US study tour, giving examples of how JR was working in the US and how it might work in Australia. Tom made the points that Indigenous youth are 28 times more likely than non-Indigenous youth to be detained and that there was a 27% increase in the Indigenous juvenile detention rate between 2001 and 2007. He made the call that 'what we are doing is not working', suggesting that JR may be an option in Australia for addressing the Indigenous criminal justice situation. Tom stated its principals – that it diverts a portion of funds spent on imprisonment to local communities where there is a high concentration of offenders; money which would have been spent on imprisonment is reinvested in programs and services that address underlying causes of crime in those communities such as unemployment and educational disadvantage. Tom pointed to the disparity between Indigenous and non-Indigenous imprisonment rates, that much of the

‘Indigenous spending’ was in imprisonment, rather than service provision. Tom made the powerful quick calculation that some \$2.5 billion p.a. was spent on adult imprisonment, of which some \$650 million p.a. was on Indigenous adult imprisonment – so some \$610 million p.a. could be saved if Indigenous adults were imprisoned at the same rate as non-Indigenous adults. He explained the four steps in the US model –

- Analysis and mapping (sometimes referred to as ‘million dollar blocks’)
- Develop options to generate savings and improve local communities
- Quantify savings and reinvest in high needs communities
- Measure and evaluate impact.

In 2010, Michael Levy and Jill pondered the idea of a JR research project using a NSW case study. With other colleagues an action research proposal was developed to consider what governance arrangements would need to exist for a particular NSW country town to have a JR approach to bring their own kids back to their community. The exploratory study to develop governance arrangements would be the basis for a further study to compare that town with a town of similar size and demographics but with no JR agreements, to evaluate any differences.

Jill attended the National Family Violence Prevention Forum in Mackay in 2010, where Mick Gooda spoke on JR as a strategy to address family violence. Mick made the point – ‘JR is about changing the narrative of crime prevention from one of punishment to one of focusing on what makes a safe community; funding people to go to prison might make people in the community feel safer in the short term, but far better to stop offending in the first place. He stressed that JR still retains prison as a measure for dangerous and serious offenders but it recognises that incarcerating or otherwise detaining a large proportion of a population weakens the community and creates the conditions for further crime. The ‘beauty of JR’, he said, is that it shifts money away from imprisonment into services for disadvantaged communities instead; JR is not about shifting funds from other community resources, it is about shifting money from prison services.

In June 2010 Jill visited Professor Todd Clear at Rutgers University, who has spent some 15 years developing JR in the US, and Michael Thompson, Program Manager at the Council of State Governments’ Justice Center<sup>7</sup> to discuss ideas in relation to the NSW study site. In November 2010 Jill visited Professors Andrew Coyle and Vivien Stern from Kings College who have researched JR approaches in the UK. All endorsed the methodological approach being taken and were very supportive of efforts to undertake JR work in Australia, including the current ACT-based proposal. The terms ‘million dollar blocks and (UK term) ‘diamond districts’ have created confusion: they sound quite positive, even strengths-based, but they’re counter-intuitive: the ‘million dollars’ in the US refers to the millions of dollars spent on incarcerating relatively small numbers of offenders from the same few neighbourhoods. Similarly in the UK, the term ‘diamond districts’ is intended to reflect the high levels of spending on incarceration in particular neighbourhoods.

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7. The Justice Center provides a range of services to its members and other policy makers and support to professionals from a wide range of disciplines and to other ‘change agents’ in the community.  
<http://www.justicecenter.csg.org/>

Jill stressed JR is a long-term, systems approach requiring high levels of collaboration, an organising framework for the service sector and evaluation including cost-benefit analysis. Even if a JR-type approach developed, it would be quite some time – possibly several years – until any real shift of monies from the prison end to the preventive end was evidenced. But, Jill emphasised, ‘We need to start somewhere ... .’ In February 2011, an article appeared in the *Canberra Times* (reproduced in box below) with a sensationalist heading intended to shock. It is clear that many in the service sector and many of the families involved now carry the legacy of the unfortunate newspaper article. The description of initiatives suggested that it contained elements of JR, as described. As a researcher, Jill wondered whether it had an evaluation component.

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## The dirty dozen: capital's crime families saga

NINO BUCCI

05 Feb, 2011 01:00 AM

Twelve families are responsible for one in four property crimes in the ACT, at an average of almost 20 offences a day.

Chief Police Officer Roman Quaadvlieg fears some of the group of about 60 notorious offenders were born into a life of crime because their families had been left behind by the welfare system.

The total number of property crimes last year was 27,746.

If the 25 per cent estimate was applied uniformly across every property crime category, the families would have been responsible for about 2600 thefts, 800 home robberies, 415 stolen cars, 115 stolen bikes, 300 shoplifting offences, 160 fraud or forgery offences and 1950 property damage crimes during 2010. "They need to bring an income into the family because they're expected to, so they're out committing crime," Assistant Commissioner Quaadvlieg said.

As The Canberra Times reveals these astonishing numbers, the police are taking a unique approach by sending case workers to try to dissuade the families from a life of crime.

It is, however, a carrot and stick approach. The police are determined to crack down on repeat offenders if they show no signs of ceasing, aware that householders are very fearful of intrusions on their property.

"It's not always about joyriding or drinking or drugs, there is a significant socio-economic driver here. We're dealing with these families' underlying problems, not just the manifestation of them, which is crime."

Assistant Commissioner Quaadvlieg said police were leading a whole-of-government effort involving housing, health and education services to help the families and cut crime. "Some of the kids don't have birth certificates, they don't have access to health benefits, and because of those things which disengage them from the social machinery, they are suffering poverty," he said.

"We're case triaging each of the families, they each have a case officer, we're giving them access to employment opportunities, educational programs. That is taking bite.

"Over the next one to two years we will see a reduction in these types of crimes, especially when combined with our targeted property crime team."

Property crime is now investigated using improved DNA sampling and intelligence gathering, targeting known offenders and more strictly enforcing bail conditions. "If they are on bail and supposed to be home at 6pm, we're rocking up and five past and asking if they're there. If they're not, we're finding them and locking them up," Assistant Commissioner Quaadvlieg said.

Crime figures issued last month showed a drop in offences over the past six months and for 2010 compared with 2009.

Assistant Commissioner Quaadvlieg said smashing the property crime ring would create further drops in crime because it was considered a "hub" offence.

"A lot of these kids are stealing a car or a bike to get to the houses, and then they've got to sell the stuff, which creates more crime," he said.

If drug users were responsible for property crime, it could escalate.

"A break and enter, unless you strike it lucky with a heap of jewels or cash, it's not that lucrative," Assistant Commissioner Quaadvlieg said.

"And the habit can start outweighing the returns. Soon they ramp it up and go for cash jobs with aggravated robberies on service stations or convenience stores, and then ... they will start going for armed jobs on harder targets, like clubs."

*Canberra Times newspaper article, 5 February 2011*

**1. Analysis and mapping:** In the article, ACT Police Commissioner, Roman Quaadvlieg said that, there are ‘12 families committing 25% of most of the crime.’ He also acknowledged the intergenerational aspects of the phenomenon, saying he ‘ ... fears

some of the group of about 60 notorious offenders were born into a life of crime because their families had been left behind by the welfare system.’

2. In terms of **development of options to generate savings and improve local communities**, Roman said, ‘We’re case triaging each of the families, they have a case officer, we’re giving them access to employment opportunities, education programs.’ He then added ‘ ... there’s a significant socio-economic driver here. We’re dealing with these families’ underlying problems, not just the manifestation of them, which is crime.’

3. In terms of **quantifying savings and reinvestment** – this wasn’t evident in the newspaper article, but that’s not unsurprising, and underlies our being at the workshop.

4. The 4<sup>th</sup> step – **measure and evaluate** impact, Roman said ‘over the next 1 to 2 years we will see a reduction in ... crimes ...’ and ‘crime figures [in the] 1st month showed a drop in offenses over the past six months for 2010 compared with 2009.’

Going to the point in the US and UK literature that Mick and Tom have reiterated – that **JR retains prison as a measure for dangerous and serious offenders** Roman said, ‘... [this is a] *carrot and stick approach ... [we are] determined to crack down on repeat offenders if they show no signs of ceasing.*’

Jill subsequently met Chief Minister’s Department staff, Adrian Makeham-Kirschner and Melanie Saballa, who advised evaluation was not built in, nor was there additional funding for evaluation or research. At that time Professor Tony Butler was developing an NHMRC application for a Centre for Research Excellence in Prisoner Health: it evolved that the JR idea might be one pillar of a four pillar application. Justice Richard Refshauge provided a support letter for the application. That application was subsequently unsuccessful – it’s a very competitive process – but the feedback will be used to improve it and re-submit.

In June 2011, the Alcohol Tobacco and other Drugs Association ACT (ATODA) had its annual conference at the National Library of Australia. The first session was an Andrew Denton ‘Enough Rope’ style interview between Jeremy Boland, AMC Official Visitor, and a young man named Stephen, where with some personal and edgy questions were asked of Stephen about how he had spent many of his quite short years in and out of detention, and how he had turned his life around and why that had happened.

Stephen acknowledged his Northside caseworker, who he said was singularly responsible for his life turning around. Answering questions about what it was that had made the difference and kept him out of gaol, Stephen categorically stated it was because he realised ‘ ... the system cared about me, that through Sally the system cared about me’. He now had a baby and their future was looking bright. He felt he could get in touch with Sally at any time when things were looking shaky or uncertain for him or his family, because ‘the system cared’. His caseworker set the context for Stephen’s story, referring the audience to the ‘Dirty Dozen’ article in the *Canberra Times*, indicating it was a professional relationship of case management or assertive outreach.

Subsequent meetings with key stakeholders have indicated a high level of enthusiasm for building an evidence-base for what is occurring in the ACT. The

groundwork is important in developing the partnerships for working together, and indeed, developing an ARC proposal in the longer term. Michael's pre-workshop quip was, *Who's on board for the ride?*. Developing JR-type approaches is a long-term activity. Jill said she hoped the workshop provides opportunities for collaborations in both the service and research sectors.

## Service mapping

Workshop facilitator, Ms Kerry Pearse acknowledged traditional owners. She explained that when AIATSIS first considered the workshop prompted by the newspaper article, there was an impression that JR-type approach was more systematically implemented in the ACT. Preliminary work showed some emerging elements of JR in some agencies but not across all sectors. AIATSIS took a 'few steps back', because before an ARC linkage grant application was feasible, a developmental process was necessary. Indeed, a benefit of a JR-type approach from the outset is that it can have research embedded in it. All stakeholders need shared understandings from out outset about an ACT JR-type approach. It became apparent that many agencies were working with the same families but this was occurring in both interconnected and *disconnected* ways.



*Photograph: Workshop participants during the service mapping exercise*

The service mapping exercise was designed to move participants away from the families identified in the newspaper article, to consider a fictional family from their respective stakeholder perspectives of either,

1. Service delivery agency (government and non-government), What service activities would you provide? How would you work with this family?;

2. Legal or justice role, What are your responsibilities regarding this family and what impact does your role have on this family?
3. Government funder, What relationship do you have with the rest of the service system? What is your relationship with those other agencies?
4. Government policy maker, What are your policy responsibilities in relation to this family? What impact does your policy area have on this family?
5. Advocacy groups and community groups, What would your area of concern or interest be? Researchers and analysts: What is your interest regarding this family's situation?

Tim, an Aboriginal man, and Lara, his non-Indigenous partner, are living in cramped conditions in government housing with four of their children aged between 10 and 18 and a grandchild. Tim and Lara are not in paid employment and the family is under constant financial pressure. Tim is determined to find full time paid employment. He has recently recommenced methadone treatment. Both Tim and Lara have a history of incarceration. Their eldest child is in Alexander Maconochie Centre and another is on probation.

Participants drew lines to represent relationships between the family and agencies: if a government funder had no direct relationship with the family, the line would be to another service provider or agency rather than directly to the family; the service provided was written along the line; broken and un-broken lines were used to depict the strength of relationships.



*Photograph: Excerpt of service mapping exercise*

### *Themes emerging from service mapping exercise*

The service system mapping is attached. The end product was intended to be a complicated map so that participants could reflect on the apparent connectedness and disconnected of the service system and supporting evaluation system in relation to the family. Participants identified that:

- it contained ‘a lot of players’;
- there is a need for good communication, and the potential for a ‘lot more’ communication to occur if a system approach and whole-of-community approach was taken;
- most of the frontline work is being done by just a few agencies in the service system;
- there is need for co-ordination and delivery of appropriate services at appropriate times;
- how challenging co-ordination and delivery of appropriate services is.

Professor Gavin Mooney drew a parallel with a study of Aboriginal families in Perth: in one year, one family had 222 meetings with 40 different agencies, and no single agency coordinating those meetings! An organisation was subsequently established to facilitate interaction with agencies, which had ‘made a tremendous difference’ to the families involved. Kerry suggested the current ACT situation provided a similar opportunity. Gavin stressed that stakeholders need to agree on the project’s ‘value base’, posing the question, *Is it to just for governments to save money?* Inferring that it should not be ‘just for governments to save money’, he asserted the need for ‘buy-in’ from all stakeholders that ‘you start with the families, take their values and go from there’. Kerry drew on these comments to ask, *What is driving those participating in the workshop? What are the values involved? What do the families want?* – noting that while the workshop discussion was focused on Indigenous families, JR is a whole-of-community approach, relevant to *all* families, Indigenous and non-Indigenous. Kerry suggested the following initial themes emerging from the exercise:

- Discussion of the notion of *practice-led policy* of developing and committing to building an evidence-base for practice driving policy, and not the converse: the opportunity for such an evidence base is provided by participants with assistance through research support.
- The imperative to ‘work differently.’ The service mapping exercise showed that ‘working differently’ had already begun. It also demonstrated the need to be very clear from the outset about the underlying values of any project or approach.
- Collaboration, partnerships, relationships, integration and social inclusion had been a strong theme of discussion.



## Policy contexts

### *Community organisations – Mr Rod Little*

Mr Rod Little, Director, National Congress of Australia's First Peoples acknowledged traditional owners and elected body representatives, John Paul Janke and Brendan Church. He thanked AIATSIS for organising the workshop. He declared he was 'wearing many hats' including Director of the National Congress of Australia's First Peoples (National Congress). National Congress has three chambers. Chamber One is national peak and state organizations, of which ACT elected body is a member. Chamber Two comprises other community organisations. Chamber Three comprises individual Aboriginal and Torres Strait Islanders. Fundamental to National Congress is the UN Declaration on the Rights of Indigenous Peoples. It brings benefits for members and delegates, but is also an advocacy voice for all Aboriginal and Torres Strait Island peoples. A number of working groups will be established. The first (meeting this week) is the Justice Working group, which will look at a number of issues: JR is directly relevant to those discussions. This working group will be led by Chamber One Director, Tammy Solonec, a lawyer who previously worked for the Aboriginal Legal Service. The Justice Working Group wants to establish relationships with groups such as today's – they are supportive of research activity.

Rod noted the National Congress' premise of self-determination, particularly the requirement of free, prior and informed consent – that engagement with, and getting consent from, the community to participate in such activities is a priority for the National Congress, 'absolute must'. 'Free' is about being invited not forced.' He identified the importance of people working to providing services at a community level – this is a closer relationship than community members will have with their Members of Parliament or policy makers; 'prior' is about being consulted before activities begin (like the current workshop where people receive information and then have the option to consent to participate, that whatever is discussed will ultimately have an impact on the families and people accessing the services); 'consent' is related to reversing the situation from the past one (as Mick Gooda mentioned) of the 'rhetoric of policy' where policy was developed then rolled out to the community. Added to this, organisations' time is increasingly being taken up with administration and compliance matters, leaving them with little resources to actually deliver the services they are set up to provide.

Speaking as an ACT Indigenous elected body representative, Rod identified that organisations such as Justice and Community Safety (JACS) allocate most of their resources to the corrective services and police services side, with only a small proportion allocated to community service organizations – evidences when the ACT Indigenous elected body analysed the ACT Policing Indigenous expenditure report. Speaking as a Board Member of ACT Council of Social Service, Rod identified compliance as another issue impacting on community organisations, with 'more and more government requirements being imposed in the ACT'. This was minimising the capacity of organisations to influence positive outcomes.

Rod said he recently met with ACT Chief Police Officer Roman Quaedvlieg, to discuss primarily diversion and prevention. Rod said today's conversations were much broader than just diversion and prevention'. He acknowledged that a JR-type approach is

challenging for governments, because it involves moving away from populist policy and investing in and valuing society. He noted that within the ACT some conversations regarding a community organisation alliance have started. He asked, *How can our community organisations work together to direct policy advisors and program developers so that there is more opportunity to influence positive outcomes?* He identified that challenging the same rhetoric from the past is the ‘hardest thing to do.’ Some time ago the ACT elected body met with JACS who were saying, ‘We have best practice’. He asked them to justify that claim, because statistics show Indigenous individuals locked up at a far greater rate than non-Indigenous individuals. He obtained the department’s quarterly Indigenous statistics to explore programs aims and whether they are achieving those aims. Rod acknowledged research done in the ACT in this area, including by Brendan Church and Fred Monaghan, both present at the workshop, which assisted the elected body to provide informed advice to ACT government and other interested bodies.

Rod said community organisations are ‘definitely on board’, keen on a partnership to support research. He sees the proposed project as a great opportunity to consider what can be done in a small jurisdiction, commenting that ‘if JR is one of the ways to influence change for Aboriginal peoples and the broader community, then it is probably a good opportunity to be a partner.’ Noting the ACT’s ‘world class education system’, he said, ‘Our young people are barely making the benchmarks’ and ‘If it is world-class *all* kids should be on the same bar. We don’t want to see Indigenous kids in institutions like Bimberri.’ Roman indicated that Bimberri was used as a ‘last resort’ – but Rod’s observation is that in practice it is often the *first* resort. Rod wants to ‘change those realities’. He wants to engage with more people, to be open to relationships and to support the research proposal from many fronts. He closed by saying he is looking forward to working with everyone involved in the workshop.

### ***ACT Government – Ms Melanie Saballa***

Ms Melanie Saballa, Acting Director, ACT Chief Minister and Cabinet Directorate (CMCD) acknowledged the traditional owners. She explained that the strategic policy framework articulated in the 2008 *Canberra Plan: Towards our Second Century*<sup>8</sup> (The Canberra Plan) provides a long-term vision for Canberra for an inclusive, sustainable and creative city. It sets directions for Canberra as the city approaches its second century in 2013. Initial discussions about the next iteration of The Canberra Plan have included a strong outcomes focus to support achievement of goals and priorities and coordination across government to deliver these shared priorities.

A mid-layer of plans sits underneath *The Canberra Plan* – the *Canberra Social Plan* is one. The 2004 *Canberra Social Plan* was updated to the current 2011 version with a vision of all people in Canberra to reach their potential, make a contribution and share the benefits of an inclusive community. The *Canberra Social Plan 2011* keeps people and the community at the centre of the ACT Government’s work. Three themes support the over-arching vision of an inclusive community- connection, belonging and collaboration. These integrated themes move away from previous themes of justice, health and so forth to look more holistically and capture the joined up focus of our work to improve outcomes.

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8. <http://www.cmd.act.gov.au/policystrategic/canberraplan>

‘Connection’ refers to a socially cohesive community where people feel connected with each other and the place they live. ‘Belonging’ is supported by every individual having the opportunity and resources to take part in the community and reach their potential. Belonging also signals a responsibility to address disadvantage. ‘Collaboration’ means working together across government and with the community to improve outcomes for all Canberrans.

The *Canberra Social Plan 2011* includes a number of high level actions that promote connection, belonging and an inclusive community. Through a community inclusion agenda CMCD is overseeing a number of initiatives to target across agency and community effort to address entrenched disadvantage. These initiatives include long term unemployment, and through-care and after-care for prisoners and families. Throughcare, administered through ACT Corrective Services and based at AMC aims to reduce re-offending and facilitate the re-integration of offenders into the community. CMCD had been leading a collaborative policy process with ACT Government agencies and non-government organisations through a Community Integration Government Group on the re-integration of offenders in the community. A series of options for the co-ordination and governance of service delivery across the Throughcare continuum are proposed for Government’s consideration in the near future. This has been an 18-month process looking at co-ordination and governance and moving people back into the community. Critical elements include achieving a shared commitment at the highest levels and creating a single point of service co-ordination.

CMCD is interested in a JR approach and has done work in this area including some pilot programs with the Justice and Community Safety Directorate: there are strong policy and service incentives to continue this work. The ACT Government developed an *ACT Aboriginal and Torres Strait Islander Justice Agreement*<sup>9</sup> in conjunction with the ACT Elected Body in response to a joint report by Attorney General’s in 2008 by ACT Council of Social Services/Aboriginal Justice Centre entitled *Circles of Support: Towards Indigenous Justice: Prevention, Diversion and Rehabilitation*<sup>10</sup>.

The Justice Agreement was launched in August 2010 with broad aims including improving Indigenous community safety and reducing over-representation of Indigenous peoples in the ACT criminal justice system. An implementation group comprising Government and non-government agencies and organizations monitors the operations of the Agreement’s Action Plan (105 actions). The Government will provide a comprehensive review of the implementation and suggested ways forward for the next iteration of the Agreement in the ‘Report Card’, which is scheduled to be tabled in the Assembly in the latter part of 2012.

Melanie said a number of recent reviews in both the youth justice and adult corrections system inform the ACT’s policy and service delivery context. There have been a number of recent reports focusing on prisoner wellbeing and the effectiveness of services and the operation of the AMC. These include the *Hamburger Report* from Knowledge Consulting covering the operations of the AMC in the 12 months from mid-

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9. [http://www.justice.act.gov.au/resources/attachments/Agreement\\_ATSIJusticeAgreement\\_LPB\\_2010.pdf](http://www.justice.act.gov.au/resources/attachments/Agreement_ATSIJusticeAgreement_LPB_2010.pdf)

10. [http://www.actcoss.org.au/publications/Publications\\_2008/1408PAP.pdf](http://www.actcoss.org.au/publications/Publications_2008/1408PAP.pdf)

2009 to mid-2010<sup>11</sup>; a second Knowledge Consulting report titled *Review of ACT Corrective Services Governance in relation to drug testing at AMC*<sup>12</sup> covered governance of the urinalysis procedures (all five recommendations being agreed to by Government); and the Burnet Report regarding drug policies<sup>13</sup>. The ACT Government had responded to recommendations outlined in these reports<sup>14, 15</sup>.

In October 2011, the ACT Government tabled its response to the *ACT Human Rights Commission Report into the ACT Youth Justice System*. The response was informed by advice provided by the Youth Justice Implementation Taskforce. The Taskforce will develop a Blueprint for Youth Justice in the ACT as the key platform of the ACT Government's response to the Human Rights Commission's Report and to provide strategic direction for the youth justice system for the next five to ten years.

Melanie also explained that the ACT along with other jurisdictions is working toward Australia's national target of *Closing the Gap* in disadvantage between Indigenous and non-Indigenous Australians within a generation. Efforts to close the gap in disadvantage are measured across six key areas: life expectancy; child mortality; early childhood education; reading, writing and numeracy; Year 12 or equivalent attainment; and employment outcomes. A series of *National Partnership Agreements* sit under the Closing the Gap objectives and provide funding to governments to invest and drive performance in specific areas, such as health and education.

Melanie finished her overview by referencing the 2011 Dr Alan Hawke Review *Governing the City State*<sup>16</sup>. The Review resulted in recommendations regarding ACT Government structures and governance, some of which are relevant to the discussion in the workshop today including working in partnership and collaboration and focusing on improving outcomes. The Hawke Report recommended a whole-of-government approach rather than the usual 'silo' approach: it favoured 'joined-up' approaches to build a genuine collaborative culture with a clear line-of-sight to service delivery. The Hawke Review also highlighted the value of community engagement. Melanie mentioned the Government's recent work that has focused on how best to engage with the community and the number of mechanisms in place to facilitate this engagement.

Melanie thanked participants and expressed the Directorates' interest in ongoing involvement in the project.

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11. [http://www.justice.act.gov.au/resources/attachments/Report\\_of\\_Independent\\_Review\\_of\\_AMC\\_12\\_March\\_2011.pdf](http://www.justice.act.gov.au/resources/attachments/Report_of_Independent_Review_of_AMC_12_March_2011.pdf)

12. [http://www.justice.act.gov.au/resources/attachments/Review\\_ACT\\_Corrective\\_Services\\_Governance\\_including\\_in\\_relation\\_to\\_Drug\\_Testing\\_at\\_the\\_Alexander\\_Maconochie\\_Centre\\_1\\_April\\_2011.pdf](http://www.justice.act.gov.au/resources/attachments/Review_ACT_Corrective_Services_Governance_including_in_relation_to_Drug_Testing_at_the_Alexander_Maconochie_Centre_1_April_2011.pdf)

13. <http://www.health.act.gov.au/c/health?a=sendfile&ft=p&fid=1309329663&sid>

14. <http://www.chiefminister.act.gov.au/media.php?v=10984&m=53&s=4>

15. <http://www.health.act.gov.au/c/health?a=sendfile&ft=p&fid=1309329663&sid=>

16. <http://www.det.act.gov.au/?a=188329>

## *Commonwealth Government – Dr Martina Wardell*

Dr Martina Wardell acknowledged the traditional owners. During the service mapping exercise she said she and other Attorney-General's Department colleagues had put their agency 'quite a distance' from the family, reflecting that the Commonwealth has a national coordinating and leadership role. States and Territories have responsibility for justice, with the Commonwealth involved in matters of national significance: the over-representation of Indigenous Australians in the justice system is one. Martina explained that the Commonwealth has a small role in the criminal justice space – that it is mostly through providing Aboriginal legal services in certain places, but the Departments of Human Services and FaHCSIA (Department of Families, Housing, Community Services and Indigenous Affairs) provide much more on-the-ground assistance. An important document is the 'National Indigenous Law and Justice Framework 2009', which all State and Territory governments have endorsed. The Commonwealth is involved through this Framework in research initiatives, thus building evidence. Martina referred to the four JR methodological steps, highlighting the importance of measurement and evaluation.

Early in 2011 the Secretary of the Attorney-General's Department with Justice CEOs in all jurisdictions set up a JR Working Group to investigate its potential in Australia with a particular focus on Indigenous Australians. The Working Group is also interested in looking at a partnership with the private sector – a notable feature of the UK's JR experience. The NSW Government recently announced a pilot tender process for a Social Bonds Scheme, a focus of which is recidivism. The JR Working Group will report to the CEOs later this month. The report will include ideas for possible collaboration in this area.

In closing Martina said that while JR is a reasonably new idea and its long term impact has not yet been realised, its underlying principles are difficult to argue with, founded on data analysis, measurement and evaluation. JR offers an opportunity for integration into a cohesive model to help make sense of the complex dynamics reflected in the scenario mapping exercise.

### *Policy context themes*

Kerry summarised the key policy context themes by asking, *Is an authorising environment in place that could support what participants are trying to do?* She said, 'You all probably had stories of being involved in initiatives that were put forward as good ideas that could have delivered positive change, but the planets weren't aligned'. In other words, there was 'no authorising environment to support it.' She suggested several features of 'the planets aligning' are now evident for undertaking an ACT-based project: the Hawke revisions which are driving operational changes; the revised Canberra Plan; the Commonwealth-aided JR Working Group; from a community perspective the ACT Indigenous elected body has a focus on bringing various groups across communities together.

These create an authorising environment for the project. Kerry cautioned that stakeholders not become complacent, and not 'just skirt over the surface of a much deeper discussion, longer community discussion.' This provided a good lead in to small group discussions



*Photograph: Workshop participants*

## **Breakout discussions**

Four questions were considered by the following breakout groups:

1. Service providers, government and non-government organisations including Indigenous organisations;
2. Policy-makers and funders;
3. Advocacy groups;
4. Researchers and analysts.

Summary points reflect key ideas under each question heading. Specific views of each group have not been separated out. While not all groups necessarily supported all the points raised, there was a significant degree of overlap in most groups.

### **1. What opportunities could be realised by participating in a JR-type approach (with research support) in the ACT?**

- A whole-of-community approach – but with potential to greatly benefit the ACT Indigenous community.
- Genuine engagement and consultation with the community - especially Indigenous communities - from the start.
- Development of respectful relationships between agencies and sectors enabling more collaborative approach, with inherent value beyond any outcomes it may drive. This includes an opportunity for mainstream service providers, National Congress and ACT local elected bodies to play an enhanced role.
- A stronger evidence-base for policy and action.

- A local (ACT) demonstration site with evidence transferable nationally. ACT size and population provide opportunity for widespread community engagement to develop linkages between all stakeholders. As the ACT does not have the 'extra layer of local government', government is able to connect with community more easily than other States where government further removed; groundwork for a JR- type approach already exists in the ACT; Canberra has many research facilities placing it in an ideal position.
- Better use of government resources.
- Action, harnessing existing community acceptance that there is a crisis in the justice system.
- Gaining experience in an innovative area. However, it was also pointed out that a number of existing projects already contain aspects of JR – that a holistic approach is not new to Aboriginal community initiatives.

## 2. **What risks need to be managed if a JR-type approach was implemented?**

- If approach is not genuinely holistic and is personality-driven.
- If there is no buy-in from targeted community.
- Financial implications, especially in current climate of financial austerity.
- Political realities of implementing a JR-type approach requires tri-partisan and long-term funding commitment from political parties.
- If approach doesn't reap significant benefits within the 3-year election cycle.
- While government seemingly supports JR rhetoric, it may not be willing to fund it, given preference for short-term fixes.
- Populist policies may work against project – prisoners are not a popular beneficiary of social initiatives.
- Expectations of government and community need to be managed to avoid unrealistic expectations and to prepare for potential high profile lapses.
- Understanding (including from media) that JR is not a panacea – issues will need to be fostered through education.
- Premature implementation without getting the processes right first; agreement needed on who the target community is, what is trying to be achieved, including values at the heart of the approach, what would indicate success?; how it can be measured?; responsibilities of different parties; governance arrangements; how information will be communicated and linked up; agreement on scope and parameters of research is necessary.
- Current disaggregation of service provision and government funding arrangements - co-ordination is easier to talk about than implement on an ongoing basis.
- Dangers surrounding definitions of JR – need to avoid simplistic definitions that focus solely on the redirection of funds. There are also negative connotations that some may associate with JR; need to avoid sending mixed messages through use of JR terminology.
- Understanding differences between Australia and overseas jurisdictions where JR-type approaches have been trialed, for example (unlike in the US) Australia is not spending millions of dollars all of the time establishing new prisons: suggested that in ACT for an initial period there could be dual investment in justice system

and other social services, with funding being redirected further once improvements are seen.

- The ACT does not have economies of scale of other jurisdictions which might impact on a JR-type impact. For example, while a JR-type approach might enable a State such as NSW to avoid having to open another gaol in the mid term, it may only be in very long term that this is avoided in Canberra.
- Insufficient recognition of existing expertise in the sector.
- Maintaining corporate memory when staff high turnover.

### **3. What would need to be in place to support approach?**

- Strong trusting relationships between the various agencies (governmental and non-governmental), built on dialogue – existing networks between senior executives need to be strengthened.
- Genuine engagement with the targeted communities from the start about the design and implementation of approach.
- Wholehearted buy-in from agencies and targeted community.
- Financial support that is sustainable.
- Tri-partisan political support for a long-term commitment of time, energy and resources;
- Clear understanding and agreement on who the target community is; what is trying to be achieved, including whose values are at the heart of the approach, what would indicate success; whether and how it can be measured; what is already in place; the responsibilities of different parties; governance arrangements; practical arrangements for co-ordination and consultation; how information will be communicated and linked up; agreement on scope and parameters of research and whether an ARC Linkage grant application or other research grant is to be pursued.
- Data to develop a strong evidence base – data gathering process needs to be rigorous and method of evaluation of the approach must be factored in from the beginning.
- Misunderstandings about the concept of JR need to be addressed - for example ACT Government indicated that JR would be addressed through the youth justice blueprint, missing the point that JR is *not just about justice or youth*.

### **4. How can AIATSIS support the process?**

- Co-ordinate access to relevant data from various agencies – governments, Corrective Services, police, Australian Bureau of Statistics have relevant data – it just needs to be accessed.
- Conduct research and monitor and evaluate outcomes of implementation of approach to build a rigorous evidence base.
- Facilitate dialogue between stakeholders to build relationships, in the way it did in bringing together workshop participants.
- On a practical level, ensure targeted community members are not socially isolated by, for example, reconnecting them with their family background (reference to the Family History Unit).

## ARC Linkage grant overview

Dr Ksenia Sawczak explained it ‘takes about a year’ to develop a good application. ARC Linkage grants are concerned with building strategic alliances: previously they had primarily funded science projects, more recently they supported a broader range of disciplines. Because the focus is on building strategic research alliances – not one-off type projects – ARC Linkage invests in projects that lead to other important collaborations, on providing research training for postgraduate students and supporting collaborations between academia and industry, projects that align with national research priorities. There is a percentage weighting: first, track record of research teams including partner organisations and universities with consideration given to expertise and publication record of research teams (weighting of 20%); second, the project itself, the focus on the research benefit and its objective. Projects that are significant or represent an important innovation are favoured (weighting of 50%); third, alliance and commitment from partner organisations.

Assessors will ask, Is this a genuine collaboration? How will the partners work together? What intellectual input will each person have? How will they gel? (weighting of 30%). It is not just about monetary contributions. The ARC information pack states that up to \$500k p.a. may be provided but applicants cannot ask for that amount. Whatever funding is sought must at least be matched in cash and in-kind contributions from partner organisations. In a project such as this, the in-kind contribution component will be very important, especially for non-governmental organisations (NGOs) with limited access to funds but who have an intellectual contribution to make. Features of a strong application were identified as:

- Strong alliance between all collaborating parties, in which potential can be seen for further collaborations as well as progress towards future projects of great national benefit.
- Evidence of prior work. The ARC Linkage grant is very competitive; the success rate in the last round was 36%. Ksenia recommends that prior to submission of a grant application careful thought is given to bringing together an appropriate team, keeping in mind the actual expertise of individuals and partner organisations, and that the innovation that the project reflects is absolutely clear.
- The cash contributions are significant and align with the nature of the organisation, remembering that in-kind contributions are possible from, for example, NGOs.
- The existence of well defined reference groups - the workshop provides a great starting point, it is the kind of meeting to get things done that the ARC wants to know about.

Features of a weak application were identified as an arrangement where the role and contribution of parties is unclear, understated or unconvincing – sometimes ‘the more people that are involved the more complex it becomes’, and one that lacks value for money.

Mr Ross Fowler asked about cultural capabilities of the ARC assessors in terms of assessing Indigenous research. Ksenia explained that for Discovery Indigenous applications the assessment team always has at least two Indigenous assessors: in contrast, with Linkage grant applications there will not necessarily be an Indigenous assessor,

and she identified this as a potential risk. Kerry commented that this risk would need to be considered and factored into the developmental process if an ARC application was ultimately pursued. Ross also asked whether applicants could specifically ask for particular assessors. Ksenia clarified that applicants can only specify who they *do not* want, provided they give an appropriate justification, rather than who they *do* want. Ross pointed out that any assessor should declare any conflict of interest they may have. Kerry noted that many of the same elements that Ksenia had identified as being fundamental to a successful ARC Linkage grant application were identical to those identified as crucial in developing a JR-type approach, for example, the need for multi-sectoral and collaborative approaches. Ksenia concluded by noting that a JR-type research project lends itself extremely well to an ARC Linkage grant proposal.

## Straw poll

At this point Kerry took a straw poll for participants to anonymously vote on, *Are you interested in further developing a JR type approach in the ACT that is supported by research?* by writing ‘yes’, ‘no’, or ‘maybe’ on a sticky label and affixing onto the wall. 24 voted ‘yes’, two voted ‘maybe’, none voted ‘no’. Kerry noted the importance of understanding the decision of those who voted ‘maybe’ to ensure the conditions are right for them to be confident in the next steps. Kerry suggested they make themselves known to Jill, for a ‘deeper conversation’ about their concerns and what needs to happen to transform their vote to ‘yes’, noting that often the ‘maybes’ can have important insights that should be factored into the thinking.

## Open meeting discussion

Kerry suggested some ‘parallel conversations’ occurring, and asked, *Do we want to further develop a JR type approach that is supported by research in the ACT?* indicating further developmental work is necessary to examine issues such as, *What is JR? How will a JR type approach be implemented? What will the roles and responsibilities of the various participating agencies be? How will the approach be coordinated? What governance arrangements will it require? How will relationships of trust be developed? Is the necessary authorising environment present? Is the approach sustainable?*

Kerry asked what AIATSIS could offer – the small group feedback session had identified a role for AIATSIS in offering support to build an evidence base and taking the lead in data collection, and the possibility of AIATSIS taking on a lead role in the facilitation and co-ordination of the approach. Kerry invited Luke Taylor to share what AIATSIS can and cannot do. She also invited Helen Watchirs to discuss what the ACT Human Rights Commission might be able to do. This was followed by open discussion about next steps.

### *Dr Luke Taylor*

Regarding a facilitation and co-ordination role, Luke said that AIATSIS has less expertise in that area, preferring to focus on research and research support: AIATSIS can contribute research capacity, but bringing multiple agencies together is beyond its role and capacity. AIATSIS is ‘happy to keep the discussion rolling’, and could play a role in

researching existing case studies taking a JR-type approach, by consulting others to consider the source of such case studies, running a seminar series (it has the technical capability to broadcast to a wide national and international audience) to bring in experts in the field. AIATSIS could resource this ‘to a point’ if there was sufficient interest from workshop participants, and could lead a literature review which would ultimately form the basis of any research grant application. AIATSIS can work with any other agencies or individuals to understand the data to build an evidence base. He emphasised that the AIATSIS researchers involved are very ‘keen, competent and passionate’ about the project. Given Luke’s comments, Kerry asked, *What is the way of bringing everyone together? What could the governance arrangement be?* She suggested that ‘somewhere in the system’ there needed to be some leadership to facilitate the developmental process.

### *Dr Helen Watchirs*

Dr Helen Watchirs, ACT Human Rights Commissioner, said the ACT Human Rights Commission could take a facilitative role. It is well placed to do so – it operates at the local level, is not a funder or service provider, is independent, and provides a safe, neutral space for dialogue. This complements work the Commission does of auditing JR recommendations in the Bimberri plan, its work with the AMC, and its complaints process. A limitation is it has just 2.5 full time equivalent staff. However, it can provide in-kind support for a future ARC Linkage grant application. Helen stressed that any approach would need to involve the broader community, it cannot be just government driven. The Commission is able to draw on the support of a number of agencies. She identified that the Commission’s Reconciliation Action Plan connects in with a JR project.

### *Ms Kim Davison*

Ms Kim Davison, CEO of the Gugan Gulwan Youth Aboriginal Corporation, suggested the ACT elected body be including through Mr Brendan Church. This suggestion had unanimous agreement.

### *Professor Gavin Mooney*

Professor Gavin Mooney raised three points: first, the need to ‘work out what the approach is trying to achieve’; second, the need to ‘work out how the approach can be made to stick’ - (as an economist the issue that struck him immediately was funding, given the existence of ‘silos’); third, how community buy-in would be obtained. He acknowledged there were ‘some powerful figures present ‘who could help to garner public support. He suggested enlisting other leading figures such as Hon Fred Cheney, Lowitja O’Donoghue, and Hon Michael Kirby. He found the workshop extremely valuable, suggesting a useful product would be Discussion Paper which – given the support of stakeholders – could demonstrate that implementation of a JR-type approach was entirely possible.

### *Dr Luke Taylor*

Luke confirmed that AIATSIS will produce a Discussion Paper to highlight international understandings of the JR approach, some national understanding, and now

what was needed was an ACT understanding. He welcomed input from participants on what they would like in it.

*Ms Kerry Pearse*

Recalling that implementation of a JR-type approach in the ACT was thought to be rather more progressed, Kerry noted that the workshop had created an environment that forced everyone's thinking about a system-wide approach, but there also needed to be thinking on how to engage the community. She acknowledged the newly-created relationship between ACT Human Rights Commission, ACT Indigenous elected body and AIATSIS, as well as others from the broader group of participants and possibly engagement with other leaders and champions.

*Professor Tony Butler*

Professor Tony Butler queried timing of an ARC Linkage grant application, and what might happen if an ARC Linkage grant application did not result from the workshop. Kerry suggested an ARC Linkage grant application is a secondary issue, that the first is gauging interest and commitment from workshop participants: this had been addressed, but some critical issues about how to proceed still needed resolution, that the developmental process across the system needs to happen first. Gavin Mooney also queried the ARC deadline. There are usually two ARC Linkage grant rounds per year, but this may not be the case this year. Ksenia's impression was that given the developmental work required within the group, a JR project was not feasible for the May 2012 round.

*Dr Cressida Fforde*

Dr Cressida Fforde said given the high level of agreement to develop a JR-type research project in the ACT, general agreement on needing an evidence-base; the need for roles and responsibilities to be negotiated, and Luke's indication of AIATSIS' interest in the approach - these factors provided a way to move the project forward, and not delay it. She noted that workshop discussion had focused on ARC Linkage grants, however there are also other funding streams: she suggested exploring the potential of those, noting that obtaining other grants could help build a research track record that could ultimately support an ARC Linkage grant application. She suggested that part of the Discussion Paper address when the next meeting will be, and who should attend it - that getting the research discussion started was a way of helping to keep the momentum going.

*Mr Mick Gooda*

Mr Mick Gooda noted the high level of interest amongst participants in the approach and the interest in AIATSIS leading it, stating 'this has to be grasped'. He posed the question, *What are we trying to do here?* He pointed out that there may be an understanding of JR internationally and to a degree nationally but the question for participants to consider is - *What does it mean in the ACT?* Mick said he 'knows of nothing that builds collaboration like working together'. He warned of the dangers of 'paralysis by process', that rather than solely concentrating on process, someone needs to 'take the lead' and suggest a research question based in the ACT, and to identify all the

evidence needed to develop a full proposal. Mick suggested that the goodwill of the workshop be built on. He noted that it had already been demonstrated that AIATSIS would not go too far forward without coming back and connecting with all the stakeholders. He suggested that AIATSIS play a leadership role, with the quip, ‘You guys started it.’

### *Dr Luke Taylor*

Luke confirmed that AIATSIS will contribute to the research support noting that ACT Human Rights Commission, ACT Indigenous elected body and AIATSIS were also happy to collaborate as appropriate.

### **Actions**

- A post-workshop survey to canvas ideas which participants may not have had the opportunity to express during the workshop;
- A Workshop report (this document);
- ACT Human Rights Commission, ACT Indigenous elected body and AIATSIS meet to discuss respective roles as facilitators and coordinators of project;
- AIATSIS to prepare a Discussion paper to examine JR in the ACT context;
- Workshop participants to form a Reference Group.

### **Concluding remarks**

Luke thanked Kerry for her facilitation and participants for their commitment and involvement, and Jill, who he said ‘first mentioned JR to him some two years ago’ acknowledging the success of the workshop was a tribute to her hard work. Luke said that the need for an ongoing relationship of all the stakeholders towards a JR-type systems approach and underpinning research had been identified, the workshop was the starting point for that relationship.



*Photograph: Workshop participants*

## Post Workshop Survey

An anonymous post-Workshop survey was sent to all participants to comment on anything they felt they might not have had the opportunity to express during the workshop, including their satisfaction with the workshop process. Nineteen people responded. These have been aggregated into themes, including negative and positive feedback about the workshop process. Where comments of a personal nature, whether good or bad, about a named individual were made in the post-workshop survey, they are not included.

The suggestion that the Chief Minister's Office and Chief Minister's Department be invited from the outset onto the Steering Committee was discussed at a tripartite meeting of the ACT Human Rights Commission, the ACT Elected body and AIATSIS on 17 November 2011, and accepted as a strategic way forward.

### **Understandings of Justice Reinvestment**

*... difficult to bring together such a large group of people from different sectors with disparate perspectives and approaches and different understandings of JR - and in some cases, no understanding - as it is a new concept for many of us.*

*... through such a project we will develop and utilise a better understood definition of JR and how it applies to the work we do and what we want to focus on.*

*The scope on any project developed will be very important. This needs to involve a clear understanding of the concept of JR and how it could apply to the ACT context. We may wish to adapt or take certain elements from a JR approach.*

*My concern is that the 're-invest funding from prison system into early intervention and prevention may not be practicable - we need to be clear that there is dual funding and program focus we have in place and we would be seeking to strengthen the early intervention and prevention focus through concerted across sector/ agency action. Over time, we may see savings from the prison system as more people are diverted from the corrections system and /or recidivism decreases.*

### **Need for local relevance**

*More ground work with community organisations and being aware that not all concepts locally are going to work.*

*This is an excellent, innovative and interesting opportunity and should most certainly be pursued. There is a clear mandate to continue. It would be valuable in these initial stages for stakeholders to be provided with research results that would assist, and the process of gathering these will help shape the next, larger, step.*

### **Tripartite and other follow up meetings**

*The tri-partite meeting is an excellent outcome. ... Chief Minister's Office should also be engaged actively from the outset.*

*The next 'host' for a workshop or meeting should be one of the tri-partite partners, Chief Minister's Department, or Attorney-General's Department, to demonstrate commitment from other stakeholders.*

### **Pilot project/demonstration project**

*Once everyone had given their agreement on the process going forward there was no need to then be hesitant. It's then a question of how, and having a project to go forward with is often the best way to figure out collaborative partnerships.*

*Lots of good ideas got discussed. AIATSIS will need to take the lead on this. ... excellent representation ... a really useful day.*

### **Service mapping exercise**

*I am not sure how mapping issues on the wall is useful. It would have been more useful for me to know from each group participating what their expertise was verbally, or to have them talk to the map.*

*The service mapping was a great way of getting everyone involved and making them see how the service sector is not that co-coordinated.*



*Photograph: Participants during service mapping exercise*

### **Workshop facilitation**

*Thank you AIATSIS for bringing the group together and getting the discussion happening. I look forward to being involved further in this piece of work. Workshop was very informative and helpful.*

*The facilitator did a great job of keeping simple what was a quite complex operation considering the amount of people and the types of issues being discussed. She did a great job of making sure that some concrete outcomes were achieved - despite the relatively short timeframe.*

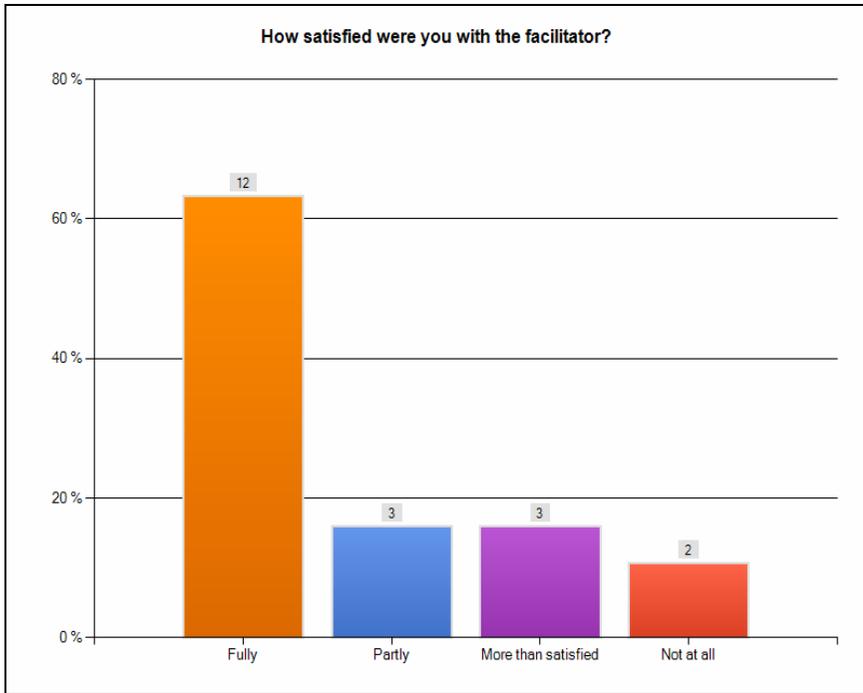
*AIATSIS should be congratulated for this initiative. Hopefully there is enough goodwill among participants to build on the AIATSIS initiative so that negativity doesn't overtake. ... how impressed I was. The pre-workshop survey was a great way for everyone to get an idea of where others were coming from. Time-wise, it was a balance between not pulling people away from their jobs for too long, but giving enough time to learn the concepts and decide whether they want to be a part of it.*

*Facilitator did a great job getting across some difficult ideas to a disparate group of stakeholders.*

*Facilitator was terrific - her summing up of issues was excellent and she was able to make clear actions going forward.*

*I liked the language the facilitator used around process steps. A lot was achieved in a short time - can't ask for more for a facilitator.*

How satisfied were you with the facilitator?



What would you have liked the facilitator to have done differently?

