



**Workshop on Practical Implementation of
Justice Reinvestment Projects
in Indigenous Communities**

13 and 14 October 2015



About the Human Rights Law Centre

The Human Rights Law Centre (HRLC) is an independent, non-profit, non-government organisation. The HRLC undertakes a strategic and integrated combination of policy analysis and advocacy, litigation, research, education and capacity building to promote and protect human rights in Australia.

The HRLC played a key role in the conceptualisation and establishment of the [Change the Record](#) campaign – launched by an unprecedented national coalition of leading Aboriginal, human rights and community organisations working together to address the over-imprisonment of Aboriginal and Torres Strait Islander peoples in Australia.

In 2014 the HRLC's Ben Schokman completed a 9-month Myer Innovation Fellowship to research and design new and innovative initiatives to reduce imprisonment based on examples of international best-practice.

The HRLC is incorporated as a company limited by guarantee and have been endorsed by the Australian Taxation Office as a deductible gift recipient.

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About the Australian Justice Reinvestment Project

The Australian Justice Reinvestment Project (AJR Project) is a national research project investigating the characteristics of justice reinvestment. The research undertaken by the AJR Project examines justice reinvestment programs used in other countries which reduce spending on prisons and reinvest the savings in high crime communities to reduce crime and build community services. The project analyses whether such programs can be developed in the Australian context. The AJR Project was an Australian Research Council funded Discovery project that is being run out of the University of New South Wales in 2013 and 2014.

The AJR Project draws together senior researchers across the disciplines of law and criminology. The research team consists of Emeritus Professor David Brown, Professor Chris Cunneen, Melanie Schwartz and Professor Julie Stubbs.

<http://justicereinvestment.unsw.edu.au/>

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1. About the Workshop

In recent years, a number of justice reinvestment pilots and initiatives have commenced around Australia. The purpose of the workshop was to bring together people directly involved in justice reinvestment projects to share learnings and to discuss issues that have proved challenging. The workshop was intended to have a practical focus and to support communities in the practical implementation of their justice reinvestment projects. A specific outcome of the workshop was to develop a strategy about how to best support existing and future justice reinvestment initiatives.

The workshop was held at the University of New South Wales over two days in October 2015. The workshop was organised by Melanie Schwartz and Chris Cunneen (Australian Justice Reinvestment Project, UNSW) and Ben Schokman (Human Rights Law Centre). Organisational support was provided by Nicole Mekler.

This report summarises the key issues discussed at the workshop.

Participants:

Alistair Ferguson	Bourke JR pilot
Andrew McIntosh	ACT Government
Anthea Krieg	Ceduna JR pilot
Ben Schokman	Human Rights Law Centre
Bill Buchanan	Reconciliation QLD
Chris Cunneen	University of New South Wales
Eddie Cubillo	NATSILS
Fiona Allison	James Cook University
Helen Connolly	Red Cross, SA
Jared Sharp	NAAJA
Jill Guthrie	Cowra Research Project, ANU
Jo Lunzer	Just Reinvest NSW
Julie Stubbs	University of New South Wales
Lisa Moore	Koori Justice Unit, Victorian Government
Melanie Schwartz	University of New South Wales
Michael Levy	Cowra Research Project, ANU
Nicole Mekler	University of New South Wales
Norman George	Katherine JR pilot
Nova Inkpen	ACT Government
Ruby Stanley	Katherine JR pilot
Sarah Hopkins	Just Reinvest NSW / Bourke JR pilot
Tammy Solonec	Amnesty International Australia
Tiffany Overall	Smart Justice for Young People, Victoria

Observers: Jane Kenny and Sarah Williams, Law and Justice Foundation of NSW

2. Workshop Program

Day 1: Tuesday 13 October 2015

8:45am – 9.00am

Welcome

Chris Cunneen

9.00am – 11.00am

Introductions and round up of projects

Chair: Ben Schokman

11.00am – 11.30am

Morning tea

11.30am – 1.00pm

Topic: Data – Part 1: Getting started

- What data is needed to get started
- Determining potential communities and potential for reinvestment

Chair: Michael Levy

Presentation: Sarah Hopkins

1.00pm – 2.00pm

Lunch

2.00pm – 3.00pm

Topic: Data – Part 2: Ongoing monitoring

- Data for ongoing monitoring and evaluation
- Non quantitative data

Chair: Melanie Schwartz

Presentation: Chris Cunneen

3.00pm – 3.30pm

Afternoon tea

3.30pm – 5.00pm

Topic: Community engagement

- How to define “community”
- Who represents the community
- Effective consultation processes

Chair: Chris Cunneen

Presentation: Fiona Allison

Day 2: Wednesday 14 October 2015

9.00am – 10.30am

Topic: Funding models

- Funding for pilots to build the case for JR
- Ongoing funding

Chair: Julie Stubbs

Presentation: Sarah Hopkins

10.30am – 11.00am

Morning tea

11.00am – 12.30pm

Topic: Community Governance Structures

- What community governance structures are appropriate for Indigenous communities
- Who decides who sits at the table

Chair: Tiffany Overall

Presentations: Alistair Ferguson (Bourke), Anthea Krieg (Ceduna), Norman George / Ruby Stanley (Katherine)

12.30pm – 1.30pm

Lunch

1.30pm – 2.30pm

Topic: Engagement with Police, Judiciary and Other Stakeholders

- How do you bring police and the judiciary on board

Chair: Melanie Schwartz

Presentation: Jill Guthrie

2.30pm – 3.45pm

Topic: What Should be the Role of Government?

- What is the role of government in a community-driven model of justice reinvestment

Chair: Tammy Solonec

Presentations: Nova Inkpen (ACT), Lisa Moore (Vic)

3.45pm – 4.15pm

Afternoon tea

4.15pm – 5.00pm

Topic: Where to from here?

- Preparation of workshop report
- What is best needed for support and ongoing development of justice reinvestment pilots
- How best to share expertise and experiences

Chair: Melanie Schwartz / Ben Schokman

3. Data

The first two sessions of the workshop focused on different aspects of the data needed for justice reinvestment pilots: what data is needed to get started, and what data is needed for the ongoing monitoring and evaluation of justice reinvestment projects.

3.1 Part 1: Getting Started

Sarah Hopkins presented on the data collection process that has taken place in Bourke, including the origins of the project and community consultation, engaging with the NSW Government to obtain the data, and the purpose of the data collection and the next stages of the project.

Sarah shared a recently finalised version of *A Snapshot of Life for Aboriginal Children and Young People in Bourke*, an infographic that captures the data collected on Bourke relating to the underlying causes of interaction with the criminal justice system.

Key discussion points on data included:

- *Who owns the data?*

In Bourke, there is a strong sense that the community owns the data, so it is up to community what they want to do with it. The data enables communities to be properly informed and set their own goals, as well as to decide what they would see as a measure of success.

- *How much data is needed?*

It is difficult to know exactly what level of data is needed and how much to release to the public in order to make a case for JR, while not exposing data that the community feels is confidential or that can be stigmatising to the community. In any event, a lot of the potentially stigmatising information and data is already publicly available or known.

Just Reinvest NSW, having gone through a huge data request process, is willing to assist others attempting the initial data request process to make it more efficient and to share what Maranguka learnt throughout their process. There were some useful structural aspects to the data request that could be a good springboard to take to other communities to see if they are interested in requesting similar types of data. Sarah also indicated that the *A Snapshot for Aboriginal Children and Young People in Bourke* infographic could potentially be developed into a template (without the data in it) to be used by other communities.

- *What time frames are involved?*

The timeframe for Bourke to receive the data it had requested from the NSW Government was 18 months. While this may partly have been due to the amount of data requested, it also highlights the difficulty and long timeframes involved in requesting data from government. Often, the data may be difficult for government departments to collate; it may not be being collected; or government may be reluctant to release particular types of data.

- *What type of data is needed for meaningful measuring of success?*

There was a lot of discussion about the type of data needed for meaningful measures of success of justice reinvestment initiatives. “Success” often gets read down to whatever is quantifiable. Discussion also turned to payment by results schemes, social impacts bonds and the risks involved if measures of success are too simplistic or not meaningful to the community.

The Bourke experience was that data is important in conversation with community members as a starting point for discussions and to obtain their feedback on specific issues.

Discussion also included how justice reinvestment is an evidence led, data driven, strategy and that quantitative data is a comfortable space for governments to engage in discussions.

The session also considered the importance of data in determining potential communities that might be appropriate for justice reinvestment initiatives. This led to discussion about the need for a national approach to data collection, which requires Federal Government leadership and coordination. A national approach was also seen as having possible benefits for influencing the approaches of particular jurisdictions where imprisonment rates are of particular concern, such as the Northern Territory and Western Australia. The specific idea of a national data ‘clearinghouse’ was suggested, which could play a valuable coordination, information sharing and capacity-building role.

In addition to the need for a national approach, the importance of having a central data ‘touch point’ within state and territory governments was also identified. The Bourke experience had demonstrated how crucial it was to have high-level buy-in and support from key ministers and agencies, such as the Premier, Attorney-General, Treasurer and Ombudsman. High-level leadership and facilitation also played a key role in expediting the data collection process.

3.2 Part 2: Ongoing Monitoring and Evaluation

The second session discussed data in the context of ongoing monitoring and evaluation of justice reinvestment initiatives. The session involved discussion of the different purposes for which data might be needed, including:

- to establish benchmark measures within a community, against which the success of justice reinvestment initiatives can be measured;
- to assist the community to identify priority issues on which to focus;
- to determine both the necessity for and possibilities of justice reinvestment initiatives and where reinvestment might occur; and
- for ongoing monitoring of the success of specific justice reinvestment initiatives.

The session involved much discussion of quantitative data and qualitative data. While quantitative data is easier to access, qualitative data might speak to some of the broader community concerns about things like quality of life, strength of culture, cultural safety and community safety, which really require qualitative approaches.

The use of narrative as a way of determining success was also discussed and the opportunity for Aboriginal and Torres Strait Islander people to articulate their health and well-being status, rather than the use of quantitative statistics. Case studies and personal stories can also provide a form of qualitative data which can assist with truth telling, as well being a powerful way to engage with government and the broader public.

The concept of cultural safety was discussed at great length. Feeling culturally respected is an important outcome to take into account.

Representatives from the Katherine project identified that the first stages of their justice reinvestment project has largely focused on qualitative data. They highlighted that qualitative data has been very useful because it is data that has been collected by someone else as a representation of what is happening in the community. This had led to discussions about what are the key drivers for particular issues and the types of justice reinvestment initiatives they would like to see developed in the community.

The US Experience with Quantitative Data

The session also involved a discussion about the experience of justice reinvestment initiatives in the United States and the large focus on quantitative data. The early days of justice reinvestment in the US saw an attempt to develop more qualitative approaches, such as via 'asset mapping' and the work of the Spatial Information Design Lab, however these approaches have been largely abandoned.

The US experience of justice reinvestment has in large part focused on quantitative data, which has resulted in the redistribution of funding within justice organisations, rather than the reinvestment of funding in communities and the design of community-driven initiatives. Another issue with the focus on quantitative data is that particular groups missed out because the quantitative data didn't support interventions, such as women in prison.

Drawing on the US experience, discussion identified that justice reinvestment projects in Australia need to consider the importance of retaining qualitative measures as integral to project plans, including as a way of evaluating success.

4. Community Engagement

"I had good advice early on, an Aboriginal police officer, it was one of the visits and no-one had shown up and everything was a disaster and we're sitting around he said, "Look, you just work with who's at the table and you just keep going." When something hasn't gone the way I thought it was meant to go, which is often, we do that and we just get to the next stage and then suddenly everyone's at the table or you move forward somehow."

- Workshop participant

This session focused on key questions relating to engagement with the community, including how to define "community", who represents "the community", and what are effective consultation processes. Fiona Allison presented on the Katherine experience to date in considering some of these questions.

The Katherine project established an Aboriginal Reference Group as a structure to enable direct engagement with the community and to assist in identifying who are the right people in the community to speak to. The Reference Group also enabled direct engagement with young people, who are the focus of the project.

One strategy to be employed in Katherine is the production of a video resource about justice reinvestment, which will be used by the community to inform and educate people about what is justice reinvestment. Using video is seen as a useful way to overcome issues relating to literacy.

In Cowra, there was a deliberate effort to engage the whole community (not just the Indigenous community) in the justice reinvestment project. A recruitment leaflet for young people to be interviewed was developed after community consultation.

There was a strong emphasis on focusing on the strengths of the community and of young people, rather than using deficit discourse. When community forums did become negative, redirecting discussion back to the core message of "this is about the young people" was often useful to bring everyone back to a positive frame.

The US Experience with Definition of "Community"

In the United States, communities have come to be identified for justice reinvestment projects if they are so-called "million dollar blocks" – essentially, disadvantaged neighbourhoods where the cost of incarcerating people means spending more than a million dollars locking up residents of a single city block. This approach is highly data-driven and focuses on identifying communities where a cost-benefit analysis indicates the benefits of investing in prevention and early intervention. While the same "million dollar block" definition is not as applicable in the Australian context, the concept is useful to consider how areas of high disadvantage can be identified as being particularly suitable for justice reinvestment initiatives.

5. Funding Models

This session discussed the various models of funding for current justice reinvestment projects, and considered broader questions about ways to obtain ongoing funding for justice reinvestment initiatives. A major theme of discussion was how to ensure that funding for projects is provided on the basis of what the community wants – and what the funding or structure might be that will best achieve this – rather than projects being driven or largely influenced by the funder.

In relation to government funding, discussion considered many of the ‘political’ factors at play in engaging with government, such as election cycles, changes in governments and government policies, and the need to understand and engage with the budget process. The changing political landscape is often a major impediment to secure and long term funding for communities.

Another major issue that was identified is the trend towards government out-sourcing and a preference for funding larger NGOs rather than smaller community-based organisations. This is a particular concern for Indigenous community-controlled organisations that, given their size, are often not able to compete with international and larger NGOs for government funding.

In Bourke, a large focus has been on identifying specific interventions to address issues contributing to imprisonment, and to demonstrate the savings that are realised by government through such interventions. Savings can then be reinvested into the community and towards programs that are identified by the community.

In Cowra, there has been a focus on how funding can be reallocated within existing resources provided the community. This is based on how duplication of funding can be reduced, and how funding can be re-directed to different programs or issues that have been prioritised by the community.

Discussion also considered how communities can diversify their funding base beyond being solely reliant on government funding. Possible sources of support include:

- **Philanthropy:** The philanthropic sector is diverse in terms of both size and areas of focus. Many funders are more flexible and nimble than government, and often much more willing to take risk. Most philanthropic funders are also not necessarily looking for a financial return on their investment.
- **In-kind support:** Many business, such as legal and consulting firms, undertake pro bono work and are willing to contribute their time and expertise towards projects.
- **Emerging funding models,** such as payment by results schemes and social impact bonds. However, one common issue that was identified was that under some models investors are the financial beneficiaries of such schemes, rather than savings being reinvested into the community.

6. Community Governance Structures

“Often it's just not a linear thing anyway, it's a matter of all the strengths that are in the community drawing them together, and it's going to happen messily and not necessarily in an organised way.”

- Workshop participant

This session involved presentations from each of the four justice reinvestment project sites. The presentations provided general background and context to each project and insights into the community governance structure for the project. More detailed information relating to each of the projects is contained in the Appendices to this report.

The most interesting observation was that the governance structures established for each project are necessarily different given that the particular circumstances of each community are different.

In Katherine, an Aboriginal Advisory Group has been established. A justice reinvestment “wheel” has been developed to identify all the stakeholders who are involved in issues relating to youth imprisonment – police, courts, corrections, and the local Indigenous communities and family groups. It was still early days in the project’s development, so these groups have not yet come together.

One issue identified in Katherine is the lack of a mechanism to support the families of offending youth. Also beneficial to Katherine would be a focus on creating diversionary programs and early intervention programs for youth.

A problem that Katherine and Cowra participants both expressed was that the term “justice reinvestment” can be difficult because many people have different ideas about what the term means. As one participant observed:

“It’s hard describing to everyone what justice reinvestment is. How am I going to tell the people about that? Who’s reinvesting whose justice? It sounds like a trick question to me. What does it mean? What’s the purpose?”

In Cowra, the Cowra Research Project has a strong relationship with the Local Shire Council. This was important for opening doors into different organisations. One observation was that the justice reinvestment project had brought together many members of the community who otherwise had very little engagement with each other. For many members of both the Cowra Aboriginal Land Council and the Shire Council it was the first time even being in each other’s offices.

In Bourke, there is a sense that through the justice reinvestment discussions that people are becoming more receptive to new ways of doing business, and that the process is becoming more meaningful. They are building up the leadership and support mechanisms to ensure they have all the necessary skills and expertise on how to deal with issues. This includes capacity to engage with communities, families and individuals’ issues, but also with the mentality of government and how best to approach government.

The Bourke process has played an important role in engaging with the Bourke Tribal Council. The Tribal Council is not new – it has been around for thousands of years. As part of strengthening their community governance structure, and as part of nation building, its purpose is to reconcile amongst the 21 different language groups that make up the Aboriginal people of the area.

The Bourke Tribal Council is a treaty, because we've agreed to come together, leave whatever issues we may have and come in for the common good of the community.

- Workshop participant

Throughout the discussions, several trends were evident:

- Having strong community governance structures and direction helps make clearer an early investment into the process and what the community wants to see happen, as opposed to just working from day to day and ticking the box and meeting KPIs.
- Governance structures could play an important role in establishing relationships with 'sister cities' for guidance, mentoring and partnerships with other communities attempting to initiate justice reinvestment discussions.
- In many instances, it is women leading the way. It is also important to re-empower the men to come more on board.
- A relatively small group of people in Indigenous communities are often called on to fill roles in each governance structure or community group, again and again.

7. Engagement with Police, Judiciary and Other Stakeholders

With the lack of collaborative and collective action sometimes if you start little bits in a community and things start working and happening then that's the best way for other people to want to be a part of it. So rather than trying to do that genuine whole of community thing, you actually start with the people who you are going to be at the table and you'll find that when momentum starts and people talk, they'll get on board.

- Workshop participant

Given the focus on justice reinvestment on reducing interaction with the criminal justice system, engagement with local police, the judiciary and other key stakeholders is crucial for the success of justice reinvestment initiatives. The different projects had varying degrees of success in engaging with local police. Often, justice reinvestment was seen (incorrectly) as something that police were doing anyway.

In Bourke, local police have been at the table from the beginning, which has been extremely beneficial to the development of the justice reinvestment process. Senior police had been particularly engaged and were leading the way. This led to discussion about the importance of making sure that positive relationships were 'institutionalised' and not dependent on one or two individuals, who may ultimately move on from their current roles.

In Katherine and Ceduna, it had been more difficult to engage with the local police. The projects were seen as too confronting or as challenging the role of the local police. There was discussion about the importance of developing a positive vision for the whole community to work towards, which has the effect of bringing people on board to work together to achieve that shared vision.

Given the multiple and complex reasons for interaction with the criminal justice system, discussion also encompassed the importance of bringing together a range of different actors within the community, including health services and local business.

8. What Should the Role of Government be?

I think government's role is to ensure that we're having the tough conversations with our departments and with our treasury to really understand what are the mechanisms we can using to identify savings, averted spending and understanding a proportion of these savings are going to go back into the justice system or back into a part of our community to set up our service system or our service response, that's been developed locally and agreed to through the evidence base that we've generated through our collaborative partnerships.

- Workshop participant

This session focused on discussion of the role of government in identifying, supporting and running justice reinvestment initiatives. Two presentations were provided on the work being done within the ACT Government and the Aboriginal Justice Agreement (AJA) in Victoria.

The various roles that governments can play include:

- undertaking or facilitating the gathering and sharing of data;
- being involved in service mapping of specific communities;
- ensuring there are critical information points and partnerships that are in place to support and facilitate justice reinvestment projects;
- being responsive to community in the development of laws and policies; and
- funding or supporting specific justice reinvestment projects.

There was much discussion about how an AJA provides a useful framework for justice reinvestment approaches, particularly given how the nature of the Victorian AJA goes beyond focusing on over-imprisonment and into much broader notions of ensuring the equal enjoyment of all civil, political, social and economic rights and the right of non-discrimination. Some of the important aspects that could be replicated from the AJA include:

- the focus on partnerships with Indigenous organisations and communities;
- the Government recognising and factoring in the imbalance in power in partnerships;
- a focus on place-based approaches and cultural strength;
- a focus on data and its availability to communities; and
- the direct relationships that the Koori Caucus have with every minister.

Ministers aren't that interested in what other bureaucrats have to say but when they've got these direct relationships with the caucus they're very productive and strong relationships, people don't hold back from saying what needs to be said but do it in a way that builds a relationship and builds a connection. That really does strengthen up what you can do by having that, to really empower the community voice, and to get that voice as directly to the highest levels of government that you can, then that just makes the biggest difference to what you're doing.

- Workshop participant

In the Victorian context, strong relationships between government ministers and departments have been valuable. And the success of community-driven initiatives, such as Koori Courts, has been essential to build further projects and initiatives. However, one issue emerging in Victoria is that there is some caution about the 'hype' of justice reinvestment due to the fact that Victorian Governments have been running strong diversionary programs for some time, so there is potentially less scope for the huge economic savings that have been seen in some states in the US.

Other issues discussed include:

- how to maintain funding for effective programs once positive outcomes have been achieved, given the tendency of governments to direct funding into area which have the most pressing need;
- the need to maintain momentum and pressure on government, especially in the context of programs relating to imprisonment where there aren't necessarily high levels of public support. For example, in South Australia the government had indicated support for justice reinvestment initiatives and community engagement had begun, but the government ultimately decided that it would not fund the projects.

9. Next Steps: Where To From Here?

The final session discussed the utility of the workshop and possible next steps.

Participants all agreed that the workshop had been useful. Participants from the four justice reinvestment sites found the workshop particularly useful as they were able to discuss their own successes and challenges and hear from others directly involved in similar projects in other communities.

There was interest in regular phone hook ups, perhaps on a three-monthly basis.

There was also discussion about a possible national 'clearinghouse' to provide support and assistance to various projects and to facilitate the sharing of learnings and insights. In the immediate term, it was agreed that the group would look to meet again in one year.

There were also a number of issues which weren't discussed or which it would have been useful to have more detailed discussion. These included:

- methodologies for preparing economic modelling;
- the possible development of a community 'toolkit'; and
- a project to map existing justice reinvestment style projects already happening in communities around Australia.

Appendices – Briefings from Justice Reinvestment Pilot Sites in Australia

Appendix 1: Maranguka Justice Reinvestment Project in Bourke

1. Background

How did the pilot start?

Towards end of 2012, Aboriginal leaders from Bourke approached Just Reinvest NSW (JR NSW) to find out more about justice reinvestment (JR) after hearing about JR NSW's Justice Reinvestment for Aboriginal Young People Campaign. During 2013, members of JR NSW, the Bourke Aboriginal Community Working Party and the Australian Human Rights Commission worked together to develop a proposal for setting the groundwork for JR in Bourke. In late 2013, this proposal was distributed to philanthropic, corporate and government sectors, many who have since come on board and who in March 2014 committed funding and in-kind support to develop a JR pilot in Bourke (the Maranguka Justice Reinvestment Project).

The Maranguka Initiative & the Maranguka Justice Reinvestment Project

The Maranguka Initiative developed by the Bourke Aboriginal Community Working Party (BAWCP) is designed to create better, coordinated support to vulnerable families and children in Bourke. It involves establishing community-led, multi-disciplinary teams working in partnership with relevant government and non-government agencies and organisations to focus on:

- Developing a new accountability framework for addressing Aboriginal disadvantage; and
- Developing a fiscal framework that ensures the long-term sustainability of effective programs and services.

One of the first activities undertaken as part of the Maranguka vision is for Bourke to be the proof of concept for JR. A JR approach is proposed in response to community concerns over the lack of detailed outcome-driven evaluations of the numerous programs delivering services into Bourke and the short-term nature of the funding allocated by government for these programs. In order to provide effective programs and services, the Bourke community has identified a critical need for a framework that will provide long-term, sustainable funding.

Who are the key partners?

The Maranguka JR Project has assembled a core team consisting of:

- Alistair Ferguson, who is employed full time as Executive Officer in Community Development, and will be based in Bourke over the two-year project period. The position of Executive Officer is funded for a 2 year period from April 2014 by the Vincent Fairfax Family Foundation and the Dusseldorp Skills Forum.
- Project Officer: A position on the ground in Bourke to assist Alistair Ferguson to deliver Project outcomes funded by St. Vincent de Paul Society Foundation for Social Innovation.
- Cath Brokenborough, Facilitator: LendLease is releasing Cath to fill the role of external facilitator, to be based in Bourke three days per month.

- Data Analysis and Presentation: Aboriginal Affairs NSW provided initial funding for a data manager to assist in the collection and collation of data on Bourke. Gilbert and Tobin have since provided funding for an analyst and designer to prepare the data presentation: A Snapshot for Aboriginal Children and Young People in Bourke.
- Economic Modelling Team: KPMG will lead the work of costing the implementation of justice reinvestment in Bourke together with economic modelling of the cost savings for government.
- Sarah Hopkins, Project Coordinator: The project will be coordinated by Sarah who is the Chair of Just Reinvest NSW and a solicitor at the Aboriginal Legal Service.
- Kerry Graham, Consultant: Kerry has agreed to provide critical advice on the collective impact framework.

The Project team is also supported by:

- a Steering Group including the above partners together with the Human Rights Commissioners Mick Gooda and Megan Mitchell, the Ombudsman's Office, NSW Health and NSW DAA; and
- at the regional level by senior managers from FACS, DPC and DAA.

What are the major decisions that have been taken in deciding how to structure the initiative?

The project has been designed and delivered using an approach known as **Collective** Impact, a different form of collaboration with dedicated roles and a purpose built structure which focuses on the design of solutions to complex problems and the development of evidence based policy and shared measures to address system level change.

2. Aims

Does the pilot have articulated aims? What are they?

Applying a Collective Impact framework over a two-year period, the following elements will be developed in Bourke:

- A whole-of-community and whole-of-government common agenda to reduce youth crime and increase community safety
- Shared measures for change based on real-time data
- A common approach, based on best evidence, for creating change in the shared measures and developing the will and capability within the system to implement these responses
- A backbone organisation to perform the necessary functions of facilitating the collaboration, continuously communicating and tracking change in the shared measures.
- A clear financial picture of the cost of implementation and the costs saved through effective implementation.

Is the project modeled after a particular established JR context?

No

3. State of progress

What are the main steps that have been achieved in progressing the pilot? What are the next steps?

Below is a list of the Maranguka JR Project milestones. Milestones 1-4 have been completed; and milestones 5 -6 constitute the current focus of the project.

1. Backbone Organisation team is fully recruited and operational in Bourke
2. 1 x 1 and community meetings will be held with key leaders and influencers from all parts of the system
 - Government – all levels
 - Non-profit and philanthropy
 - Business
 - Citizens
3. Cross-sector governance group established and inducted with clear terms of reference
4. Relevant data points collected and analysed with data gaps identified.
5. Community conversations around the data conducted in order to gather key themes and goals.
6. System mapped
7. Strategies and infrastructure for continuous communication agreed and put in place
8. High level common agenda and shared measures agreed in principle, subject to ongoing data and research
9. International scan of best evidence responses to achieve common agenda and shared measures
10. Agreement on approach to achieve common agenda and shared measures
11. Finalisation and agreement of common agenda, common approach and shared measures
12. Plan drafted to develop and leverage the existing system to implement the common agenda, common approach and shared measures
13. Detailed costs of implementation developed, including
 - Program design and delivery
 - Capacity development
 - A backbone organisation's functions
 - A data sharing and reporting platform
14. Detailed economic model of costs saved over a 5 – 10 year period as a result of effective implementation
15. A detailed plan tabled based on the:
 - Common agenda
 - Common evidence-based approach
 - Shared measures

- Backbone functions/organisation
- Costs of implementation
- Costs of savings generated

16. Trial and Test: implementation of plan

17. The Reinvestment: ongoing use of savings to fund long-term implementation of the plan in Bourke past the set-up and trial run phases. Application of lessons learned and new found and applied relationship and consultative mechanisms that lead to better use of funds and social capital, better relationships with and inclusion of youth in decision making and the creation of diversionary infrastructure that benefits the whole community, Aboriginal and Non-Aboriginal alike.

4. Reflections

What have been the challenges to date? What are the big questions that the initiative is/has grappled with?

- Collecting data from government departments and NGOs
- Ongoing community engagement: building trust, managing expectations
- Working within existing frameworks and alongside current government initiatives while supporting the community to set its own agenda for change.

Appendix 2: Katherine Justice Reinvestment Project

1. Background

The North Australian Aboriginal Justice Agency (NAAJA) and NT Council of Social Services (NTCOSS) were successful in an application for funding from the NT Law Society to explore the potential of using a JR framework to address Aboriginal incarceration in the NT. This application came about after an NTCOSS Justice Reinvestment forum in Darwin in 2013 where participants were keen for JR to be progressed and for NTCOSS to take a lead role. Funding was received in early 2015, with the project commencing soon after.

The focus of the project was originally on young Aboriginal people in Katherine aged 10-17 years of age. Katherine was selected as a suitable NT pilot site based primarily on the level of youth offending in this community. Aboriginal youth were selected because of their hugely disproportionate incarceration in the NT. The project's scope has subsequently been expanded to include 18-24 year olds, in part so as to demonstrate the cost associated with incarcerating recidivist offenders for whom earlier less punitive intervention may have had a positive impact.

A project Steering Committee was established at an early stage of the project, with membership drawn from the NT and Katherine and from the partner organisations, NT Courts, NT Police, the YMCA, Aboriginal Peak Organisations (APO NT), Red Cross (NT) and the local Aboriginal community, including local Aboriginal youth. The partners also employed Fiona Allison, Research Fellow at James Cook University, to coordinate and conduct research for the project.

The initial project brief was to work relatively quickly to identify two or three JR initiatives that could be implemented in Katherine, to cost their implementation and (by end of June 2015) to produce a report making a case and seeking financial and other support for introduction of JR in Katherine. The brief was changed, however, to ensure that the project is more closely aligned with the various stages and processes of JR. We have, for instance, now lengthened our overall timeline, with this year's work still being reported on in late 2015 but now being seen as constituting a 'first stage' for the project - laying the groundwork for a longer-term commitment to JR in Katherine. There has been an emphasis too on taking steps to establish relevant JR 'structures', vital to the success of JR (to foster Aboriginal leadership of JR and to bring together key stakeholders using a collective impact framework).

2. Aims

Our project is a 'proof of concept' project. It aims to explore the utility of using JR to address offending and incarceration of young Aboriginal people in the NT. We see current responses to the latter issues as ineffective, at best. We would like to determine what capacity JR has to provide a genuine alternative to existing responses and if successful, to argue for introduction of JR in other Aboriginal communities.

We are also acutely aware that whilst JR is framed around reducing incarceration, a large part of its appeal in an Aboriginal context is its potential to empower Aboriginal communities beyond their interaction with the justice system. We aim to ensure that the project builds on existing Aboriginal capacity to sit at the centre of the project and of specific JR initiatives. Our intent is also to look closely at JR's potential to empower by tackling broader social issues impacting on Aboriginal people

– not only because they underpin offending but as they also feed into continuing Aboriginal disadvantage and social exclusion.

In terms of contexts used to inform the project, to a degree we have learnt something from what has been done with JR in the USA, though there are probably different opportunities and challenges here to those in the US. Looking to what the pilot project in Bourke NSW has done has been helpful to our JR project. We are mindful, however, that because JR is so place-based we need to ensure that what we are doing will work in Katherine.

3. State of progress

The methodology we have used during this first stage of the project includes interviews/consultations with a range of government and non-government stakeholders and with young people (conducted in groups and as one-on-one interviews, including with those that have been in detention). A young Aboriginal woman from Katherine has been employed to assist us to speak with young people so as to encourage youth participation in the project. Our consultations, close to completion for now, indicate that there is a high level of community support for and interest in introduction of JR in Katherine. Consultations have also provided us with feedback about how best to implement JR in Katherine (for instance, what are likely to be the most effective JR responses to youth offending and/or optimal JR structures, strategies and alliances). We have also collected some quantitative criminal justice and other data for the project. Originally, we were at this point going to rely on fairly minimal publicly available data in order to make a case for JR and to produce some preliminary recommendations about JR responses to offending and incarceration in Katherine. We have however had to prepare a formal request for justice data, mainly because we have not been able to access justice data for over-18s.

Working initially with the NAAJA Board in Katherine to achieve this, we now have in place an Aboriginal JR Reference Group, with some overlap with membership of our Steering Committee. This Group will set up an Aboriginal Youth Sub-Committee. Though the specific details of the role of the Reference Group are yet to be defined, it is broadly intended to provide a focal point for Aboriginal leadership of the project. Bringing together key Aboriginal and non-Aboriginal JR participants/stakeholders needed to occur after the Aboriginal Reference Group was established. With the Reference Group now in place, it is hoped that during this first stage key players will come together as a single cohesive group tasked with moving JR forward in Katherine. We have also been liaising with government to seek support for the project. Representatives from Warren Snowdon's (ALP) office have visited Katherine, for instance, and are following the project closely. They have indicated that they would like to work with us to ensure bipartisan support for the project at a federal level.

The information gathered so far will be used to inform our first project report. Given the overwhelmingly positive feedback from the community around introduction of JR, this report will seek to progress the project to a second stage and to attract ongoing funding. It will include early thoughts about initiatives with potential to reduce incarceration/offending in the shorter and longer term. This might include (for instance) initiatives with strong Aboriginal input (an Aboriginal-run diversionary camp and mentoring or safe house for young people, Aboriginal Elders assisting magistrate with sentencing); with some focus on the justice system (Aboriginal caseworker probably based at NAAJA who could assist young people to comply with community-based orders; extension of diversion, including to over-18s); and with a focus on justice and broader social issues (business and

employment opportunities, more support for parents, Youth Hub to encourage collaboration across services).

This second stage will be likely to involve further data collection/analysis and consultations (including so as to make a final decision about JR initiatives likely to generate savings); ongoing liaison with government and other parties to continue to build financial and other support for the project; determination of how 'success' of JR in Katherine will be monitored and evaluated; development of a community-wide plan around youth justice; and consolidation of relevant structures so as to support effective collaboration around JR.

We have also successfully applied for Amnesty funding to produce a short animated film on JR. The film is not specifically for use in Katherine, though it has come out of our work there. It is designed to increase and improve Aboriginal and non-Aboriginal engagement with JR providing detail about its origins, what it looks like, what steps it involves in terms of implementation and what it sets out to achieve. We will commence work on this film shortly.

4. Reflections

Though this is a great project we have had some challenges, in part because we are applying a new methodology in a new setting (outside of the US). We have been watching what other Australian jurisdictions are doing with JR, but it is not easy to take away clear lessons from these projects or initiatives. At times it has been difficult to determine the best way forward. As an example, whilst we know we need to use statistics to inform JR it is hard to know what level of data we should use or request and when. Questions such as these arise in trying to work through JR methodology.

We probably face similar difficulties to others, including accessing funding. There are also issues that are particular to the community and jurisdiction we are working in. For instance, we expect to have some problems in accessing relevant data in the NT. What we need may not be collected and is certainly not always publicly available. In contrast to Bourke, Katherine was also selected rather than self-selecting as a JR pilot site. It did not have a strong, representative Aboriginal governance structure in place when the project started. There have been attempts to set something like this up in the past here, but the community serves as a crossroads of sorts for many different language and family groups, making this a bit of a hard task. All of this just means that there has been some initial work to do around building community buy-in to and Aboriginal governance around JR. Katherine also does not have a high rate of correctional supervision of under-18s. Many appear to spend time in police diversion rather than detention. Though we are yet to access justice data for over-18s (which will lift numbers), this is likely to mean that we don't have a huge pool of juvenile offenders to pull out of corrections in order to generate significant savings. How do we respond to that? Do we just switch our focus to reducing any contact with the justice system, rather than reducing incarceration?

Another big issue for us is whether we incorporate the *region* of Katherine or just Katherine *town* in the pilot. We have seesawed between the two and at this stage feel that we need to cover the entire region, though this will have implications for the methodology of the project. Reasons for this include but are not limited to the fact that a sizeable number of offenders apprehended and/or offending in Katherine appear to come from outlying communities rather than from the town of Katherine. As JR focuses on place of origin rather than place of offending, we feel that we probably shouldn't leave these communities out of the work we are doing.

Finally, in making a case for JR in Katherine and in seeking to accurately inform its implementation we need to provide some detail about local issues or problems identified as key drivers of offending (including alcohol abuse, domestic violence). We want to avoid, however, fuelling negative stereotypes of Aboriginal people generally and/or stigmatising Katherine in particular. When reporting, we feel that the best way to deal with this is to reserve some of this detail for those working directly with JR in Katherine. This issue is will quite possibly come up in contexts other than reporting.

Appendix 3: Justice Redesign in Ceduna and Far West South Australia

1. BACKGROUND

In 2013, Australian Red Cross made a submission to the Senate Inquiry into the value of a justice reinvestment approach to criminal justice in Australia. Of the 23 recommendations made to the Senate Inquiry, a key recommendation was that Australian and state and governments jointly fund trialling of justice reinvestment sites in three or four locations using a place based approach. Ceduna and the Far West region of SA has been identified by the Red Cross Board as one of a number of place-based sites around Australia for targeted investment (including but not limited to justice related issues).

Red Cross in SA has taken a leadership role in development of the draft Justice Reinvestment Framework for SA (through the SA Justice Reinvestment Working Party), which articulates a long-term staged approach to improving population level justice outcomes for targeted communities including Ceduna and the Far West region.

Through a successful application for grant funding, Red Cross in SA is implementing a first stage in a longer term state and national commitment to justice redesign. The **Justice Redesign in Ceduna and Far West, SA – Community Engagement initiative** will focus community engagement on local justice related issues and the relevance of justice redesign approaches to support improvements in population level justice outcomes.

Permissions

In discussions with local Elders about the potential for justice reinvestment activity in the region, the following cultural protocols for progressing community consultation have been emphasised:

- Ensure the **Far West Aboriginal Community Heads Group** is formally approached seeking endorsement for progressing consultation with communities via the Aboriginal Community Councils and is central to all ongoing communications about the development of consultation outcomes and final recommendations developed. The **Far West Aboriginal Community Heads Group** has provided written endorsement for Red Cross to take a lead role in engaging with communities about localised solutions for justice reinvestment. The community have been very forthcoming in providing access to key leaders and networks.
- Use the **Ceduna Homeland Model** for community consultation. This involves consulting all family clans in Ceduna and surrounding townships to ensure all clans (family groups) are engaged, reducing the potential for specific clans to feeling excluded. Adequate time and space to develop trust and promote engagement will be required. Wayne Miller, Liaison Officer, Ceduna Aboriginal Corporation, is facilitating Red Cross access to Homelands to support discussions.
- Work with the **Ceduna Aboriginal Corporation** to guide and support engagement with the Aboriginal community, promote cultural understanding and provide insight into community issues and needs. The Ceduna Aboriginal Corporation oversees the cultural and intellectual property right of the community.

2. AIMS

The **Justice Redesign in Ceduna and Far West, SA – Community Engagement initiative** will address objectives identified within Stages 1 and 2 of the Justice Reinvestment Framework for SA (refer below).

The emphasis of the Community Engagement initiative, as a first stage in a longer term commitment is primarily to:

1. Build on previous discussions about justice related issues in the region, opportunities for improving population level justice outcomes, and the relevance of justice reinvestment approaches in Ceduna and the Far West going forward; and
2. Strengthen Red Cross' presence and relationships with communities in the Ceduna and Far West region.

Specific strategies to be implemented as part of the Community Engagement initiative are highlighted in orange cells below. Grey cells represent subsequent stages of the Justice Reinvestment Framework, for future implementation to be determined.

	Community / Governance / Establishment	Community consultation and mapping / Documentation	Community Justice Plan development and implementation
<p>STAGES 1 and 2:</p> <p>Raise awareness and map and analyse community data</p> <p>Mobilise support and activate engagement</p>	<ul style="list-style-type: none"> • Establish appropriate endorsement (community protocol) for progressing consultation and engagement initiative • Engage with Aboriginal Community Heads to identify primary and secondary avenues and contacts for consultation • Identify key regional and State networks and governance structures and establish communications arrangements • Establish opportunities for regular and ongoing review of consultation objectives and outcomes • Establish high visibility and presence in the region 	<ul style="list-style-type: none"> • Engage community and identified stakeholders in consultation approach addressing four main areas of enquiry (refer below) • Engage community champions and local resources for supporting consultation activity • Identify common goals and strategy between key local and State agencies with investment in justice outcomes • Scope and collect data and other relevant information relevant to justice outcomes and good practice opportunities • Document outcomes of consultation and engagement activity • Develop recommendations for the scope and potential of Red Cross to progress justice reinvestment activity in the region based on consultation outcomes 	<p>Future stages</p>
<p>STAGE 3: Implement Program</p>	<p>Future stages</p>		
<p>STAGE 4: Monitoring, evaluation and improvement</p>	<p>Future stages</p>		

The outcomes of the Community Engagement initiative, as determined by the community, will provide the platform for development of a business case for consideration by the Red Cross Board about the potential and scope of Red Cross' role in justice and community safety priorities in the region over the longer term.

The project is founded on international experience which demonstrates that improving justice in communities takes place in 3 main ways:

- **Justice Reform** – reforming aspects of the justice system (such as bail law, sentencing under 6 months, probation supervision).
- **Justice Reinvestment** – reinvesting from the costs of running and building prisons to investing in community based solutions which take a prevention and early intervention approach to address the underlying causes of crime and seek to build resilient and vibrant communities.
- **Justice Reintegration** – reintegrating individuals back into community through investment in programs and services which support successful transition from prison to the community and reducing the chances of people reoffending.

The outcomes of the Community Engagement initiative will inform potential directions and priorities for longer-term local initiatives across these justice redesign platforms as appropriate.

Consultation approach and scope

Red Cross recognises that the success of its work is founded on the willingness of Aboriginal communities and organisations to guide and lead our work, and that Red Cross remains answerable to those communities and organisations in all that it does.

The community consultation approach will focus on four main questions for discussion, adapted as required relevant to the community / stakeholder and consultation context. Input into the development of the consultation scope and questions has been provided by Dr Peter Strelan and Dr Michael Colbung, Adelaide University:

- 1. What aspects of your community make you really proud and strong?**
- 2. What are the key issues which cause people in your community to be locked up?**
- 3. What suggestions do you have for reducing the causes of crime and numbers of people getting locked up?**
- 4. Who are the key leaders, organisations, departments or others who can, or should, contribute to improving community safety and justice in the region?**

While these areas of focus provide the foundation for community discussions in the first instance, Red Cross recognises the organic and iterative nature of engagement processes, in particular when issues involve considerable complexity and multiple and diverse stakeholders.

Throughout the consultation period, Red Cross will seek to balance the consultation agenda with being reflexive and responsive to opportunities for contributing to community and service development improvements as appropriate, underpinned by the Red Cross humanitarian and advocacy objectives.

3. STATE OF PROGRESS

Key outcomes to date:

- The **Far West Aboriginal Community Heads Group** has provided written endorsement for Red Cross to enter and engage with local communities (including Ceduna, Koonibba, Yalata, Oak Valley, Homelands communities and other populations as required).
- **Engagement with other key initiatives and networks in the region** including State government Services Reform initiative (3 years) addressing reduction in drug and alcohol related injury and fatalities); Dr Anthea Krieg (multi-systemic therapy with vulnerable families impacted by the justice system and other related issues); federal initiatives including the Health and Welfare (income) card. Red Cross has been invited to participate on the youth and justice sub-committees associated with the State government collective impact initiative.
- **Preparation towards community consultation schedule (late 2015 / early 2016).**
- **Scoping of available data as relevant to justice processes and outcomes in the region** through Government agencies including Dept Correctional Services, SA Police, Attorney General’s Department, universities.
- **Ongoing engagement with other key networks and initiatives** (including Justice Reinvestment SA, preparation of submissions towards SA Government justice reform initiatives, AGD Justice Reinvestment in Port Adelaide consultations, presentation to justice and corrections networks as required).
- In the early stages of consultations, Red Cross has been directly engaged in discussions and opportunities for responding to real-time and critical issues including: the immediate risks and financial sustainability of local Aboriginal communities due to federal government policy changes; increasing community access to ICE; drug-running; limited access to transport outside the Ceduna township; and resource pressures on local organisations such as the Ceduna Youth Hub to respond to the increasingly complex needs of young people.
- Several projects to support the capacity of the Ceduna Youth Hub and to increase transport for the region are currently in discussion. At a state and national level, Red Cross will continue to advocate for the needs of the Ceduna and Far West community through its government, philanthropic and other funding networks.

Primary Stakeholders

Red Cross recognises the roles of many community leads, agencies and departments working towards justice outcomes for populations in the region reflected in the following (but not limited to) stakeholders.

Stakeholder	Context
Community	
Far West Aboriginal Community Heads Group	Comprises Aboriginal Community Heads including the following. This Group represents the core advisory structure for all current and future community engagement in relation to all matters impacting on communities including justice: Ms Kerry Harrison, CSM, Far West Coast Aboriginal Corporation

	Mr Cory McLennan, CEO Koonibba Aboriginal Community Council Mr Greg Franks, CEO Yalata Community Council Mr Peter Clark, CEO Maralinga Tjarutja Mr Mick Haynes, CEO, Ceduna Aboriginal Corporation
Ceduna Youth Centre, Peter Jericho	Lead Centre for youth engagement and activity in Ceduna and surrounding areas
Ceduna Aboriginal Corporation, Mick Haynes, CEO and Wayne Miller, Liaison Officer	Provides coordination role for Aboriginal related initiatives in the region and oversees the cultural and intellectual property rights of the community
Aboriginal Family Centre	Drop in Centre for families affected by domestic violence
Homelands Elders and members	10 Aboriginal Homelands located in the region (each with a population ranging from 10 to 60 people) provide the opportunity for engagement with key family groups in the region.
Networks	
Dr Anthea Krieg	Family Justice and Healing Program - Lead consultant based at Ceduna Koonibba Health Service.
Academic and research	Lead contacts in Aboriginal affairs includes: <ul style="list-style-type: none"> • Dr Peter Strelan, Adelaide University • Michael Colbung, Adelaide University
State-wide	
Commissioner for Aboriginal Engagement, Department of Premier and Cabinet	Lead engagement and State government policy contact for Aboriginal communities in SA
Department of Communities and Social Inclusion - Jackie Costanza	State government (Ceduna Service Reform Project) - collective impact initiative addressing the reduction in drug and alcohol related fatalities. Several sub-committees established including youth and justice. Both sub-committees including Red Cross representation.
Department Correctional Services	Patterns of offending and data
Justice Reinvestment SA Working Party	Representing SA key stakeholders working to progress justice reinvestment in the SA justice system. Helen Connolly active member and author of the Justice Reinvestment Framework for SA
SA Police	Police / community relations
National	
Department of the Prime Minister and Cabinet, Helen Walker	Active policy and funding in region (Indigenous Coordination Centre)
Philanthropy Australia	Philanthropic funding opportunities – representation includes Collier Charitable Fund and Ian Potter Foundation
Law and Justice Funders Network	Policy, advocacy, funding

4. REFLECTIONS

- Alongside discussions with Red Cross, the **political landscape for local communities** has changed considerably. Due to changes in Indigenous Advancement Strategy federal funding, Aboriginal communities are facing **serious risks to financial and operational sustainability**.
- As a result of these significant and immediate tensions, Aboriginal Community Heads are **prioritising investment in discussion and consultation** on a range of issues. Recognition of appropriate permissions and protocols is fundamental and essential in all relevant stages of community engagement.

- Recent feedback from Community Heads and other leads in the region has indicated that the **increased visibility of Red Cross engagement** has been noted as a positive demonstration of Red Cross’ commitment to the region over the longer term.
- The Ceduna and Far West region is a **complex and highly visible environment** with many State and federal agencies and departments invested in significant justice, health and welfare outcomes. A significant recent and ongoing initiative is the federal Health and Welfare (income) card.
- Effective communications and collaborative
- Feedback from communities has suggested that for significant local initiatives, the focus has been weighted on consultation with service provider networks rather than engagement with resident populations both in Ceduna and other Far West communities. The challenge for Red Cross is to **maintain a focus and priority on reflecting ‘community voice’** while also engaging with government and other local initiatives which interface with community wellbeing and justice outcomes.

KEY CONTACTS

Name	Title	Key role
Red Cross SA – Far West Justice Redesign Leadership Team		
Helen Connolly	Executive Director, SA	Project Sponsor and State advocacy
Abbie Patterson	Project Manager, Research and Policy	Research, data and project coordination
Jane Booth	Manager, Stakeholder Engagement and Business Development, SA	Operational management and budget responsibility
Nick Heyne - Project Manager, JR	(currently on leave – initial contact to be directed to above contacts in the first instance)	