

*Report 174: IMF new arrangements to borrow; scientific cooperation USA; science research innovation NZ; technological innovation Israel.* I move:

That the Senate take note of the report.

Question agreed to.

## **Education, Employment and Workplace Relations Legislation Committee**

### **Legal and Constitutional Affairs References Committee**

#### **Government Response to Report**

**Senator SCULLION** (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:33): I present two government responses to committee reports as listed at item 14 on today's *Order of Business*. In accordance with the usual practice, I seek leave to have the documents incorporated in *Hansard*.

Leave granted.

*The documents read as follows—*

**Australian Government response to the Senate Education, Employment and Workplace Relations Legislation Committee report: Protecting Local Jobs (Regulating Enterprise Migration Agreements) Bill 2012 [Provisions]**

**October 2017**

**The Senate, Education, Employment and Workplace Relations Legislation Committee Report**

***Inquiry into Protecting Local Jobs (Regulating Enterprise Migration Agreements) Bill 2012 [Provisions]***

#### **GOVERNMENT'S RESPONSE TO RECOMMENDATIONS**

##### **Background**

In March 2013, the Senate Education, Employment and Workplace Relations Legislation Committee's (the Committee's) report on the *Protecting Local Jobs (Regulating Enterprise Migration Agreements) Bill 2012* (the Bill) was tabled in Parliament.

The Bill was introduced to the House of Representatives on 18 June 2012 and was negated by the House on 16 May 2013.

The Australian Government notes the recommendations in the Committee's report, the Minority Report, and Additional Comments. In doing so, the Australian Government notes that Enterprise Migration Agreements are no longer available.

**Australian Government response to the Senate Legal and Constitutional Affairs References Committee report: Value of a justice reinvestment approach to criminal justice in Australia**

**October 2017**

##### **Introduction**

The Senate Legal and Constitutional Affairs References Committee report, *Value of a justice reinvestment approach to criminal justice in Australia*, provides a valuable summary of the methodology and objectives of justice reinvestment, and its possible application in Australia, by highlighting opportunities and challenges.

Justice reinvestment is fundamentally about diverting funding from the corrections system into community-based crime prevention and community strengthening programs. It is an approach that saves government spending on corrections and related criminal justice measures and reinvests those savings into the community to improve public safety. The Commonwealth Government cannot effectively fund justice reinvestment projects because state and territory governments are solely responsible for managing corrections systems in Australia and are largely responsible for corrections budgets, with the exception of a small percentage of funding for federal offenders.

The elements that make up the criminal justice system, including prisons and in-prison rehabilitation services, are generally the responsibility of state and territory governments. Furthermore, the majority of offenders in the criminal justice system have committed offences under state and territory laws. As identified in the *Minority report by Coalition Senators*, the success of justice reinvestment therefore ultimately rests with the states and territories.

The role of the Commonwealth Government is to support the states and territories to implement a justice reinvestment approach to funding programs.

The Commonwealth Government's role also includes funding prevention programs to improve community safety, recognising that improvements in this area support a reduction in crime and may result in fewer people in prison. Examples of such programs include those under the *Proceeds of Crime Act 2002*, which allocates assets confiscated from criminals to crime prevention projects that will benefit the community, including security infrastructure and early intervention and diversion projects. The Commonwealth Government also provides funding for a range of activities to improve community safety for Aboriginal and Torres Strait Islander Australians through the Indigenous Advancement Strategy (IAS).

On 28 July 2016 the Commonwealth Government announced the Royal Commission into the Detention of Children in the Northern Territory. The Royal Commission may consider similar matters to those examined in this report. The Commonwealth Government will consider all recommendations of the Royal Commission once it reports in 2017.

##### **Recommendations 1 and 2**

**7.116 The committee recommends that the Commonwealth take a leading role in identifying the data required to implement a justice reinvestment approach and establish a national approach to the data collection of justice indicators.**

**7.117 The committee recommends that the Commonwealth make a commitment to sharing relevant data held by Commonwealth line agencies with justice reinvestment initiatives in other jurisdictions.**

Supported in principle.

The Commonwealth Government recognises that data limitations can hinder capacity to measure the impact of programs. Similarly, sharing information and data across jurisdictions is important to making informed decisions about service delivery and funding.

Identifying and sharing the data required to effectively implement a justice reinvestment approach is a matter for states and territories which are responsible for their own criminal justice systems and associated data.

The Commonwealth Government can continue to work with states and territories to develop nationally comparable justice data sets and to encourage evaluation within criminal justice and corrections policy.

As identified in the report, Commonwealth Government departments are currently taking action to improve data collection. The Productivity Commission publishes an annual multi-volume *Report on government services* that includes a volume on performance reporting for police services, courts and corrective services using data from all governments. It also includes in the community services volume a chapter on justice services for children and young offenders.

The Australian Bureau of Statistics (ABS) and the Australian Institute of Health and Welfare (AIHW) are working with states and territories to improve data collection in relation to offending, victimisation, juvenile recidivism, corrective services and Indigenous status.

The ABS is working with its state and territory counterparts to develop national crime, corrective services and court data sets. The ABS produces annual publications on victims of crime, recorded crime offenders and prisoners in Australia. Data collected on corrective services is published quarterly. Governments use these publications for research and policy development.

The Commonwealth Government supports a continued role in sharing information with other jurisdictions to identify and respond to the causes of criminal offending, while also ensuring the privacy of individuals. The Council of Australian Governments (COAG), the Law, Crime and Community Safety Council (LCCSC) and the National Justice and Policing Senior Officials Group all provide mechanisms to share best practice. Ministers have agreed through the LCCSC that jurisdictions will continue to share information, facilitating learnings from experience gained elsewhere and supporting evidence-based policy and program development.

### **Recommendation 3**

**7.120 The committee recommends that the Commonwealth, State and Territory Governments recognise the importance of long term, sustainable funding for programs including adequate provision for robust evaluation.**

Supported.

The supporting text in the report for the recommendation focuses on addressing disadvantage and particularly on programs for Indigenous people. It also discusses the need for evaluation of justice reinvestment-like early intervention projects.

The Commonwealth Government recognises the need for sustainable funding, especially of programs designed to address disadvantage and access to justice. As an example, the Commonwealth Government funds legal aid commissions and most Indigenous legal assistance providers under five year agreements.

The Commonwealth Government is particularly concerned about the high levels of disadvantage experienced by many Indigenous Australians. The IAS, administered by the Department of the Prime Minister and Cabinet, is the strategy through which the Commonwealth Government funds and delivers a range of programs working towards improved, sustainable outcomes for Indigenous Australians. A total of \$4.9 billion has been allocated to the IAS over four years (to 2018-19) to improve outcomes for Indigenous Australians.

Through the IAS Safety and Wellbeing Program, the Commonwealth Government invests in activities to make communities safer for Indigenous Australians, and enable them to enjoy similar levels of physical, emotional and social wellbeing as those enjoyed by other Australians. This includes activities designed to reduce rates of violence and offending, reduce alcohol and substance misuse and provide support to victims. The desired outcomes of the Safety and Wellbeing Programme include:

- reduced substance misuse and harm
- reduced contact with the criminal justice system
- violence reduction and victim support
- improved wellbeing and resilience
- a safe and functional environment.

The Commonwealth Government is assessing the impact of selected IAS investments through a number of targeted evaluations, including randomised controlled trials. The Commonwealth Government pursues well-designed monitoring and

evaluation delivered in collaboration with Indigenous Australians. Additionally, ongoing service delivery is monitored by Commonwealth staff located in regional offices across Australia.

It is important to note that a lack of good quality, robust evaluation of impact is not an issue unique to Indigenous policy or programs. While the IAS activities being evaluated are targeted to Indigenous Australians, the findings build the evidence base for what works to improve community safety more broadly.

#### **Recommendation 4**

**7.123 The committee recommends that the Commonwealth consider the establishment of a justice reinvestment clearinghouse to compile, disseminate, and promote research and program evaluation in all communities.**

Not supported.

The Commonwealth Government does not support the establishment of a new clearinghouse for this purpose.

The Indigenous Justice Clearinghouse is jointly funded by the Commonwealth and states and territories. The clearinghouse has published articles relevant to justice reinvestment.

The Australian Institute of Criminology (AIC) is Australia's national research and knowledge centre on crime and justice. AIC research has included projects on justice reinvestment in Australia which it publishes on its website.

Extensive information on justice reinvestment is also readily available in academic journals and published online, especially in relation to experiences in the United States of America. A number of websites, published materials and academic journals currently provide access to evaluations and research relevant to the justice sector, including in relation to Indigenous Australians.

The Commonwealth Government notes, for example, the BetterEvaluation website, [www.betterevaluation.org](http://www.betterevaluation.org) which provides information on working with service providers and evaluating the impact of programs.

#### **Recommendation 5**

**8.49 The committee recommends that the Commonwealth adopt a leadership role in supporting the implementation of justice reinvestment, through the Council of Australian Governments.**

Noted.

The Commonwealth Government can encourage state and territory governments to consider the implementation of justice reinvestment.

As noted in the introduction, the Commonwealth Government cannot directly implement justice reinvestment projects because state and territory governments are responsible for managing corrections systems in Australia and for corrections budgets.

As discussed above, the Commonwealth Government's role includes funding prevention programs to improve community safety, and funding for a range of activities to improve community safety for Aboriginal and Torres Strait Islander Australians through the IAS.

Where jurisdictions want to implement justice reinvestment approaches, the Commonwealth Government will aim to support their efforts by funding a range of prevention, diversion and rehabilitation programs to achieve improvements in justice outcomes. For example, through the IAS, the Commonwealth Government supports practical, on the ground activities that improve the safety, health, and social and emotional wellbeing of Indigenous Australians. These activities aim to address some of the underlying drivers of crime and include prevention and treatment programs in drug, alcohol and substance misuse and programs to reduce offending, violence and victimisation in Indigenous communities.

#### **Recommendations 6 and 7**

**8.50 The committee recommends that the Commonwealth commit to the establishment of a trial of justice reinvestment in Australia in conjunction with the relevant states and territories, using a place-based approach, and that at least one remote Indigenous community be included as a site.**

**8.51 Further, the committee recommends that any trial actively involve local communities in the process, is conducted on the basis of rigorous justice mapping over a minimum time frame beyond the electoral cycle and be subject to a robust evaluation process.**

**8.52 The committee recommends that the Commonwealth provide funding for the trial of justice reinvestment in Australia.**

Supported in principle.

The Commonwealth Government will encourage states and territories to continue to investigate the feasibility of justice reinvestment including through suitable place-based trials.

While the Commonwealth could work with jurisdictions on the possibility of establishing a justice reinvestment trial, the Commonwealth Government cannot instigate a trial of a true justice reinvestment approach alone. With the exception of a small amount of funding for federal offenders, state and territory governments are responsible for budgets for corrections and therefore would be responsible for diverting and reinvesting funds from corrections budgets to underpin justice reinvestment responses.

The Commonwealth Government is interested in working with states and territories to implement justice reinvestment approaches, including undertaking rigorous evaluation of the outcomes. This could include leveraging the investment the

Commonwealth Government already provides for activities to improve community safety, and, where possible, providing data to measure the outcomes of initiatives targeted at reducing offending. The Commonwealth Government is already working with several state and territory governments to identify opportunities to take a place-based, data-driven approach, consistent with the principles of justice reinvestment, to deliver tailored, client-focused services to address offending in at-risk communities.

#### **Recommendation 8**

**8.53 The committee recommends that the Commonwealth, through the Standing Committee on Law and Justice, promote the establishment of an independent central coordinating body for justice reinvestment with the following roles:**

- provision of advice as to methodology regarding justice reinvestment;
- identification of the national, consistent data required for effective implementation of justice reinvestment;
- development of options for policy and initiatives to reduce levels of incarceration and identify potential savings for corrections budgets;
- assistance with justice mapping for identification of place-based communities and identification of existing services and gaps in services required to reduce crime;
- brokering agreements between stakeholders;
- independent evaluation of programs and savings; and
- monitoring reinvestment of savings in high stakes communities.

Not supported.

The Commonwealth Government does not support the establishment of a new central body which would most likely duplicate the work of existing organisations and agencies.

The Commonwealth Government recognises the importance of the proposed roles set out by the report. As detailed in the response to recommendations 1 and 2, work on data collection and evaluation is underway. Academic organisations and a range of government agencies, including the New South Wales Bureau of Crime Statistics and Research, the AIC and the Indigenous Justice Clearinghouse, monitor and provide advice on justice initiatives.

The Commonwealth Government will encourage relevant state and territory ministers to continue to investigate the feasibility of justice reinvestment. The Commonwealth Government will look for opportunities to initiate discussions with LCCSC representatives about the principles of justice reinvestment.

#### **Recommendation 9**

**8.55 The committee recommends that the Commonwealth refer to the Council of Australian Governments the establishment of justice targets for Aboriginal and Torres Strait Islander people as part of the Closing the Gap initiative, directed to reducing the imprisonment rate of Aboriginal and Torres Strait Islander people.**

Noted.

The Commonwealth Government recognises that the Northern Territory, Victoria and South Australia have already set various targets in relation to justice outcomes and commends these jurisdictions for taking this action. The Commonwealth Government encourages states and territories that have not yet set justice targets to do so.

It is a priority for the Commonwealth Government to work with states and territories to drive down Indigenous offending, victimisation and incarceration.

Where individual states and territories commit to justice targets, the Commonwealth Government will work collaboratively to identify practical actions that will help achieve the targets.

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (17:34): In respect of the government response to the Legal and Constitutional Affairs References Committee report *Value of a justice reinvestment approach to criminal justice in Australia*, I move:

That the Senate take note of the document.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

## **BILLS**

### **Migration and Other Legislation Amendment (Enhanced Integrity) Bill 2017**

#### **Report of Legislation Committee**

**Senator WILLIAMS** (New South Wales—Nationals Whip in the Senate) (17:34): Pursuant to order and at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee, I present the committee's report on the Migration and Other Legislation Amendment (Enhanced Integrity) Bill 2017, together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.