



JUSTICE REINVESTMENT IN AUSTRALIA

A REVIEW OF PROGRESS AND KEY ISSUES

July 2022

Fiona Allison and Chris Cunneen

Jumbunna Institute for Indigenous Education and Research, University of Technology Sydney

Justice Reinvestment Network Australia

Acknowledgements

We acknowledge and pay our respects to Aboriginal and Torres Strait Islander Traditional Owners and Elders across Australia, both past and present. We also acknowledge and pay our respects to all Aboriginal and Torres Strait Islander people seeking to bring their communities together to drive positive change through justice reinvestment.

The material that has informed this research has been provided, in large part, by Aboriginal and Torres Strait Islander and other members of Justice Reinvestment Network Australia (JRNA). We sincerely thank all members of the network for their significant contributions to this report. We also acknowledge that aspects of this report have been informed by the work of one of the authors in the implementation of JR in various communities, including advocacy work currently undertaken with Just Reinvest NSW redefining what ‘reinvestment’ (in a JR context) means to Aboriginal people working with JR in NSW.

We also sincerely acknowledge the work of King and Wood Mallesons (KWM). KWM provides essential secretariat support for JRNA and has provided desktop research and assistance with coordinating responses from JRNA members for this report.

Published by Jumbunna Institute for Indigenous Education and Research, University of Technology, Sydney and the Justice Reinvestment Network Australia (JRNA).

Year of Publication: 2022

ISBN: 978-0-6454699-0-5



This report is licensed under a Creative Commons Attribution 4.0 International licence. You are free to copy, communicate and adapt this work, providing you attribute the authors.

Acronyms

ACCO	Aboriginal Community Controlled Organisation
ANU	Australian National University
ATSIJC	Aboriginal and Torres Strait Islander Social Justice Commissioners
DATSIP	Department of Aboriginal and Torres Strait Islander Partnerships
DJAG	Department of Justice and Attorney General
HCS	Shire of Halls Creek
IDS	Indigenous Data Sovereignty
IDG	Indigenous Data Governance
JRNA	Justice Reinvestment Network Australia
JR	Justice Reinvestment
JRNSW	Just Reinvestment NSW
JRSA	Justice Reinvestment South Australia
NAAJA	North Australian Aboriginal Justice Agency
NFP	Not for profit
NTCOSS	Northern Territory Council of Social Services

Table of Contents

1. Introduction	4
2. Progression of JR projects	7
2.1 <i>The role of organisations and community in the earliest stages of JR projects.....</i>	<i>8</i>
2.2 <i>The JR landscape in Australia.....</i>	<i>10</i>
3. Reinforcing culture and self-determination: governance and data sovereignty	14
3.1 <i>JR governance structures and mechanisms</i>	<i>16</i>
3.1.1 JR leadership bodies	16
3.1.2 Collective impact and backbone organisations.....	18
3.1.3 Other governance structures and mechanisms	19
3.2 <i>Data sovereignty in JR projects.....</i>	<i>20</i>
4. JR project priorities: target populations, programs and interventions.....	23
4.1 <i>Criminal legal system target populations and initiatives</i>	<i>23</i>
4.2 <i>Common non-criminal priority issues and whole-of-community focus</i>	<i>24</i>
5. Systems-based reform.....	28
5.1. <i>Addressing government and service sector issues</i>	<i>28</i>
5.2 <i>Policy and law reform</i>	<i>30</i>
6. Financial and other resourcing of projects.....	31
6.1 <i>Sources of project funding.....</i>	<i>31</i>
6.2 <i>Reinvestment.....</i>	<i>33</i>
7. Defining project success.....	35
8. Conclusion	37
Appendix A: Program and interventions, barriers and enablers.....	46

JUSTICE REINVESTMENT

A REVIEW OF PROGRESS AND KEY ISSUES

1. Introduction

Justice reinvestment (or ‘JR’) is a framework that emerged in the US around two decades ago. JR aims to decrease imprisonment in those communities from which comparatively high numbers of individuals are cycling in and out of prison. It is generally understood as having *four key elements*,¹ the first of which is its place-based focus.² JR seeks to improve justice and other outcomes in a specific location or community. The second element is its reliance on statistical and other data, including to identify drivers of imprisonment and to measure progress of JR projects. JR is ‘evidence-based’ in other ways, implementing approaches known to be effective for reducing contact with the justice system, including changes to policing and criminal legal system administration and reliance on early intervention and prevention. As a third element, JR draws on community development practice and principles through community-based leadership of JR projects and of specific programs and interventions within these projects. JR also seeks to ‘build communities, not prisons’,³ working to change local conditions that give rise to offending. JR’s fourth element is its advocacy for a reinvestment of savings generated through decreased imprisonment to resource the ongoing work of JR projects. JR identifies this as a more economically rational and socially just use of government resources than expenditure on prisons. More expansive notions of JR have acknowledged that criminal law and other areas of public policy *reform* (e.g., in policing, sentencing, correctional management, education, housing) are a significant component to reducing imprisonment. It is important to recognise that JR is not static – it is an evolving process built in the praxis of communities engaging with solutions to the justice issues they face. *Ideas* of JR have also moved in various political directions – from conservative arguments for reductions in government spending, to neoliberal demands on the non-government sector for ‘payment by

¹ Just Reinvest NSW, (2016, pp.9-10).

² In this report we refer to ‘place-based and/or On Country’. In doing so we acknowledge an important distinction made by many First Nations groups. ‘On Country’ models are similar to what in the mainstream literature on community development are referred to as ‘place-based’ approaches. However, by using the concept of ‘On Country’ we emphasise the cultural connections between specific Aboriginal nations and their Country – a relationship that is historically enduring and deeply embedded in identity and culture.

³ This terminology is used both in the US and in Australia. See for instance the ACT Government’s JR program <<https://justice.act.gov.au/justice-programs-and-initiatives/reducing-recidivism/building-communities-not-prisons>>.

results’, to overlapping with more radical demands to ‘defund the police’ and reinvest in community sector development in alternatives to policing.⁴

This paper provides new research and analysis on the development of JR in Australia over the past decade, mapping the progress of JR projects and exploring key issues related to their implementation. Interest in JR has grown over recent years. JR projects are progressing in the Shire of Halls Creek (WA), Port Adelaide (SA), Moree, Mt Druitt, Bourke (NSW), Rockhampton, Cherbourg (QLD) and the ACT. In some communities, including in Cowra (NSW), Doomadgee (QLD) and Katherine (NT), JR projects have started and are now stalled. There are, in addition, many other communities keen to begin exploring the potential of JR.⁵ JR projects are represented on Justice Reinvestment Network Australia (JRNA), a collective of individuals and organisations working with and/or advocating for JR implementation as an innovative response to offending and reducing criminalisation.⁶ JRNA provides space for connection and the sharing of knowledge whilst also undertaking JR-related policy reform at a national level.

The purpose of this paper is threefold: based on currently available information, to analyse and understand the similarities and differences between JR projects in Australia; to delineate the enhancers and barriers to successful development and longevity of JR projects; and to identify a program of further research and policy development likely to assist communities, government and the non-government sector in ensuring successful JR implementation. By far, most of the currently functioning JR projects in Australia are community-driven and they are the focus of this report. The only government-operated, jurisdiction wide JR programs operate in the ACT. Where appropriate we refer to the ACT programs, but they are not the major emphasis of this report. The research is based on reports, documents, evaluations, summaries, media and other information shared by JRNA project members, academics, non-government organisations and governmental bodies over the last decade and collected and analysed by the authors.⁷ The work

⁴ Brown, Cunneen, Schwartz, et al, (2016); Cunneen, (2022).

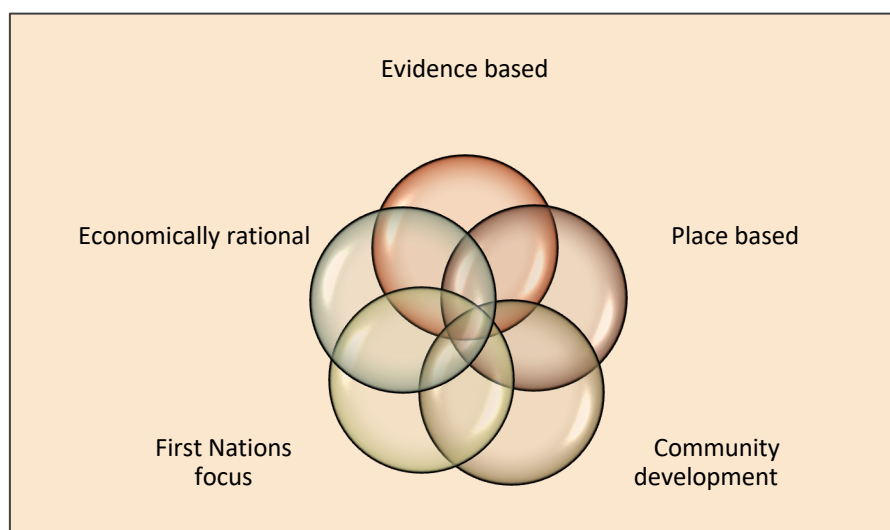
⁵ These communities include Tennant Creek (NT), Lismore and Kempsey (NSW), and Cairns (QLD).

⁶ Information about JRNA is available at <www.justicereinvestment.net.au>. The authors are members of the Network.

⁷ Note that some of the information provided by JRNA members and used in this research was collected at a point in time (June 2021). There has been further progress on projects since this time. This material is referred to in footnotes as ‘material held by authors’.

of the authors in implementing and actively engaging in assessing, analysing and commenting on JR projects in Australia and internationally has also informed this report.⁸

Our discussion of JR projects draws on the above four key elements of the JR framework to explore its development, whilst recognising that it is just that: a framework which inevitably evolves and changes in implementation. So, whilst there are similarities across the projects, including because they have been guided by the established framework of JR, differences are also evident. These impact on aims and methodology as each project responds to geographical, demographic, resourcing and other local factors, as well as broader political contexts determined by government. One important shared characteristic of projects in Australia, however, is their focus on decreasing incarceration of First Nations peoples. This strongly informs the development and implementation of all four JR elements but also represents an important *fifth element* of JR implementation in Australia. It marks a significant point of divergence between JR practice in Australia and the US, again demonstrating the relevance of local conditions to the evolution of reform approaches. As comparative criminal legal system research affirms, programs and policies ‘travel’ internationally but they are inevitably moulded by the history, culture and politics of local conditions.⁹



Five key elements of JR implementation in Australia

⁸ Allison, (2016 and 2018); Allison and Cunneen, (2018); Cunneen, Brown, Schwartz, et al, (2017); Cunneen and Russell, (2018); Brown, Cunneen, Schwartz, et al, (2016); Schwartz, Brown and Cunneen, (2017).

⁹ For discussion of criminal justice policy transfer generally and specifically in the case of JR see Brown, Cunneen, Schwartz, et al, (2016, pp.189 -238).

2. Progression of JR projects

The formal methodology of JR is understood as having *four stages of implementation*.¹⁰ JR projects commence with early data collection, establishment of governance structures and other planning processes (Stage 1), which then informs development of a local JR strategy (Stage 2). Initial implementation of this strategy follows, with various interventions, collaborations and programs introduced (Stage 3). Ongoing implementation is then resourced through a reinvestment by government of (actual or projected) savings generated through a reduction in incarceration (Stage 4).

Four stages of JR	
1.	Data collection, governance and planning
2.	Development of local JR strategy
3.	Strategy implementation
4.	Ongoing funding from reinvested savings

Four stages of JR implementation

This methodology does not always accurately describe actual project chronology.¹¹ Projects may not specifically refer or work to each of these stages, or not in this order.¹² For example, according to the above methodology, implementation of a local JR Strategy occurs at Stage 3. In practice, however, ‘circuit breakers’ can be introduced at any time and can be the catalyst to change, particularly when effective, as they can be a proof of concept that builds momentum to further progress JR projects. These are interventions that reform local justice system practice and procedure to deliver ‘quick wins’, mostly in terms of decreased imprisonment. Examples implemented to date include negotiating changes with police related to bail decision-making

¹⁰ Tucker and Cadora, (2003).

¹¹ This has also been the experience in the US where for example there is a division between state-focussed and locally based JR projects. In addition, there has been little *reinvestment* back into community development, particularly at the state level (Brown, Cunneen, Schwartz, et al, 2016).

¹² The Olabud Doogethu project in Halls Creek (WA), for example, identifies the following four stages of JR and their projected timeframes: ‘building a resilient foundation’ (current); ‘advancing’ (2023 – 2026); ‘appreciating results’ (2027 – 2029); and ‘empowering’ (2030 – 2032). See Shire of Halls Creek (2019a, p.5).

to lower rates of remand (Moree project) and the introduction of a warrants clinic to reduce the number of young people with outstanding warrants and a learner driver program (Maranguka project in Bourke).¹³

2.1 The role of organisations and community in the earliest stages of JR projects

Another departure from the four-stage methodology is that JR projects have generally completed essential preliminary work focused on whether and how to initiate and progress JR in the first instance. This lays important groundwork for longer-term implementation but also seeks to identify if JR can realistically proceed at all. Two factors significantly impact on whether JR can progress: (a) the role of government and non-government not-for-profit (NFP) organisations and (b) the centrality of community participation and decision-making in developing a JR project.

Whilst large NFP organisations¹⁴ and government are involved in projects in different ways and at different stages, their influence on project initiation can be substantial. Larger NFP organisations and government may be the first to identify potential JR sites, whilst at other times interest in exploring JR emerges at a local community level – either through motivated individuals or community organisations (such as a local Elders group or community council). Regardless of the origins of JR sites, progressing past this starting point has consistently required support from and/or a partnership with organisations (local, statewide or national). The involvement of larger NFPs often provides for financial and other resources (information, advice, local staffing and office space) that address some of the common barriers to JR exploration and implementation: that is, not knowing how to practically initiate a JR project and not having any funding to begin this process at a community level. From our research and experience, these barriers present as a major hurdle to project progression. Community members want to do something positive to change the criminal legal system and how it impacts on their community, the ideas of JR sound appealing, but where and how do they start?

¹³ KPMG, (2018, p.35).

¹⁴ It is important to acknowledge that the NFP sector is extremely diverse in this context: ranging from small Aboriginal community-controlled organisations (ACCOS) to international human rights and other philanthropic or charitable organisations.

The reliance on NFPs and government has both benefits and limitations. One issue is that NFPs currently supporting the start-up of JR projects have limited capacity to do so. There are currently more communities in Australia interested in JR than are able to explore it in detail or implement it. Furthermore, JR *must* be community driven, and whilst both government and NFP organisations involved in JR appear to understand this, careful and consistent balancing of the respective roles of organisations and community is essential. Community must be central to *all* JR processes: participating in all work undertaken - including decision-making, especially during preliminary discussions on feasibility. In all instances, but particularly where an organisation has selected a JR site (rather than the community self-selecting), community consultation and engagement around JR is required to gauge community readiness and support for JR implementation. For example, prior to establishment of the Tiraapendi Wodli (Port Adelaide) JR project in 2015 the South Australian Attorney-General's Department consulted Aboriginal community members and relevant stakeholders about levels of interest in and readiness for JR implementation.¹⁵ Of note, our research indicates that this work may take months or potentially years and ought not to be rushed.¹⁶ In this context it should be stressed that JR is not so much a program as a different way of working. As such, effective JR *processes* are an important stand-alone outcome of JR projects, as well as being crucial to achieving other more explicit outcomes such as reduced recidivism. In this context, the degree to which the community is participating in JR work, including decisions about whether and how JR should be implemented, is a critical measure of project effectiveness.

One of the issues which emerges from the discussion above is *who* assesses whether a community is appropriate or ready for JR. In the original JR model developed in the US, it was envisaged that detailed analysis of statistical data on jail and prison populations would be used to identify potential JR sites. In Australia, concerns about rates of incarceration inform selection of sites to some extent, although without the same level of rigorous statistical analysis applied in the US.¹⁷ In Australia, of equal or perhaps greater importance is community self-

¹⁵ These consultations are discussed in PwC Indigenous Consulting (2015). For discussion of consultation and engagement conducted in other communities see Allison, (2016); Guthrie, et al, (2017); Allison, (2018); Dawes, and Davidson, (2017).

¹⁶ As an example, the preliminary stage in Cowra was completed over 3 years (Guthrie, et al, 2017).

¹⁷ For example, Katherine was identified as an appropriate pilot site because of its 'high rate of Aboriginal youth incarceration and contact with the justice system', without early detailed analysis of data (Allison, 2016, p. 13). Evidence in Cowra suggested a high number of 'lower order' or 'JR-amenable' offences as one reason for its selection (7.2% compared to 2% nationally) (ANU, 2017, pp.12, 59). JRNSW also cited statistics for Bourke in its early stages of applying for funding in 2013, see below [2.3.1].

identifying as prepared to progress JR. This early process of thinking through community readiness is necessarily a positive one, as community considers existing local strengths, leadership, desire for change and other ‘assets’ required to progress community-led JR. This is quite a different approach to JR sites emerging primarily through analysis by organisations (including those external to the place in question) of statistics pointing to problems: that is, higher rates of contact with the criminal legal system and imprisonment.

As an example, when JRNSW sought resources in 2013 for JR implementation in Bourke it highlighted both the community’s ‘significant appetite and readiness’ to trial JR, along with its efforts over many years to build ‘the governance and capacity of the Aboriginal community to solve their own challenges’.¹⁸ Challenges pointing to the need for JR, meanwhile, were evidenced by ABS crime and agency data cited by JRNSW at the time, which identified Bourke (prior to 2013) as one of the highest-ranking areas in NSW for recorded incidents of domestic violence, sexual assault and breach of bail, and further that 21% of its young people/young adults were on remand or sentenced. As JRNSW stated, the ‘disproportionately high rates of crime and significant concern for community safety and the future of young people ... inspired the movement for change’ in Bourke.¹⁹

2.2 The JR landscape in Australia

In this section we detail the progression of JR projects. We highlight both the role of organisations and the importance of community readiness for JR. We begin in NSW. Auspiced until early 2022 by the Aboriginal Legal Service NSW/ACT, Just Reinvest NSW (JRNSW) is the peak JR body in NSW.²⁰ To date, JRNSW has formally partnered with three Aboriginal communities to commence JR projects in Bourke, Moree and Mt Druitt. The longest running project in Australia, Maranguka, started in 2013 after the Bourke Aboriginal Community Working Party approached JRNSW for information about JR, seeing it as aligned with previously identified community priorities.²¹ Similarly in Moree and Mt Druitt, JRNSW

¹⁸ Just Reinvest NSW, ALS and AHRC, (2013).

¹⁹ Just Reinvest NSW, ALS and AHRC, (2013).

²⁰ JRNSW began in 2011 as an initiative of the Aboriginal Legal Service NSW/ACT. It aims to support Aboriginal communities to explore and establish justice reinvestment initiatives and advocates for systemic changes that build safer and stronger communities. See <www.justreinvest.org.au>

²¹ The Bourke Aboriginal Community Working Party (BACWP) is the peak representative organisation in Bourke for the local Aboriginal community. The BACWP receives funding from the NSW Attorney-General’s

responded to initial expressions of interest in JR by community members, confirming this interest in 2018-19 during forums, meetings and similar activities. JRNSW reports that in forums in Moree community members spoke of the need for ‘a different way of doing things’, including ‘in a more coordinated way’, and for the work in question to be ‘led by the Aboriginal community’ to achieve ‘better outcomes for children and young people.’ JRNSW also reports that during early discussion of JR with Mt Druitt community members there was clearly ‘an interest, an agreement that there was an urgent need for change and an acknowledgement that there needed to be a different way of working to support children and young people in Mt Druitt.’²² JRNSW subsequently partnered with Moree and Mt Druitt to initiate JR projects.²³

Other projects have followed a similar pattern, though not always in response to an initial expression of interest in JR at a local level. Non-government NFP organisations that have assisted with project start-up include the NT Council of Social Services (NTCOSS) and North Australian Aboriginal Justice Agency (NAAJA). In 2015 these organisations commissioned consultations with community members and stakeholders in Katherine, which they had selected as a possible pilot site for JR in the NT. This process identified overwhelming support for JR and Stage 1 work progressed, with the Katherine office of the Australian Red Cross (Red Cross) taking on a coordinating role. Similarly, in 2012 Australian National University (ANU) academics led consultations and other research in Cowra looking at the feasibility of implementation of JR. These two projects are effectively on hold at present, including due to resourcing issues.

Government has also initiated JR projects. The Cherbourg project was started in 2017 by the Department of Justice and Attorney General (DJAG) (Youth Justice) (QLD)²⁴ and is now coordinated by the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP). During its preliminary stage the project talked with community about their interest in leading JR in Cherbourg and, amongst other things, what that might look like. To provide

Department’s Aboriginal Programs Crime Prevention Unit. Community members and representatives from various organisations, services and government departments make up the BACWP.

²² Material held by authors.

²³ It is worth noting that while JRNSW ultimately explored JR with Moree and Mt Druitt, these partnerships emerged from a Community Engagement Project funded by the NSW Department of Justice (now the Department of Communities and Justice) which resourced JRNSW to reach out to the more than 20 communities in NSW who had previously been an expression of interest in JR.

²⁴ Partly, this project was a response to a government-commissioned independent review of the youth justice system in QLD. As such, it emerged from government priorities, rather than as a community priority. See Department of Justice and Attorney General (Youth Justice), (2017).

an example of the type of work undertaken at a preliminary stage to engage community around JR, in this instance JR was discussed at community meetings, on the Cherbourg radio station, with Cherbourg community members incarcerated in Maryborough prison and young people who had previously been in youth detention and their families. A survey was designed with community members, who also circulated this survey at community events, including the annual Cherbourg rodeo and football games organised for young people.²⁵ This work revealed a high level of community support for JR. Project progression is likely to have been impacted over time, however, by the transitioning of project coordination between QLD Government departments, COVID-19 (which affected community engagement) and other issues. Progression of JR in Katherine has also been affected by similar changes to project coordination provided by organisations, demonstrating the significant influence the latter can have on project development.

The Katherine, Cherbourg, Moree and Mt Druitt projects are all in earlier stages of implementation. This involves gathering and analysing data, confirming the depth of interest in and building local engagement with and leadership of JR, trialling circuit breaker initiatives, and identifying priorities and more substantive initiatives for implementation. Other projects are further progressed, with JR strategies developed and substantive initiatives implemented, including the Tiraapendi Wodli project.²⁶ This project has had substantial NFP support from Red Cross and Justice Reinvestment South Australia (JRSA), and is seen as a community-led collaboration between these organisations, a local Tiraapendi Wodli leadership group (see further [3.1.1]), and the local Aboriginal community in the western metropolitan area of Adelaide.²⁷ In Western Australia, the Shire of Halls Creek (HCS) has been influential in establishing the Olabud Doogethu JR project, dating from 2017 and involving 11 Aboriginal communities in the Kimberley.²⁸ Olabud Doogethu started with support from Social Reinvestment WA, who were involved in early JR consultations held in each of the participating communities.²⁹ Peak JR support and advocacy bodies - JRNSW, Social

²⁵ Young people under Youth Justice supervision completed art activities related to JR, in addition.

²⁶ Tiraapendi Wodli means 'protecting home' in the Kaurna language.

²⁷ JRSA is a coalition of individuals and organisations from diverse research, policy and community backgrounds who are committed to implementing JR. See <www.justicereinvestmentsa.org/>

²⁸ These communities are Balgo, Bililuna, Mulan, Ringer Soak, Warmun and Yiyili Mardiwah Loop, Yardgee and Nicholson Town Camp.

²⁹ Social Reinvestment WA is an Aboriginal-led coalition of 25 NFP organisations across WA, working together to end the over representation of First Nations peoples in the criminal legal system. See <www.socialreinvestmentwa.org.au/>

Reinvestment WA and JRSA - have played an especially important role in the start-up and ongoing work of JR projects. Indeed, the three jurisdictions with the most advanced JR projects also all have peak JR bodies.



Aboriginal Programs Manager and Aboriginal Families Thrive Support Officer at Tiraapendi Wodli Hub, Port Adelaide

Finally, the ACT's development of JR is somewhat different to other projects in Australia, including as its focus is whole-of-jurisdiction, broadly speaking, rather than on a discrete community or place.³⁰ The ACT example is important as it demonstrates the potential for government to proactively innovate its responses to offending within a JR context. The initiative is predominantly ACT government led, though has had early and ongoing input from various organisations and individuals, including Aboriginal people. In 2011 in the ACT the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) convened a workshop to explore the feasibility of a JR project in the ACT. In 2012 ANU's National Centre for Indigenous Studies (NCIS) hosted international experts who discussed the critical role justice reinvestment could play in Australia. Both forums identified strong support for JR in Australia and the ACT.³¹ In 2014 the Justice and Community Safety Directorate (JACS)

³⁰ One of the ACT JR initiatives, however, is focused on changed outcomes for a particular neighbourhood in the ACT, the Strong Connected Neighbourhoods Program. See < www.justice.act.gov.au/justice-programs-and-initiatives/building-communities-not-prisons/strong-connected-neighbourhoods >

³¹ See www.aic.gov.au/sites/default/files/2020-05/rr09_justice_reinvestment_in_australia_160518_0.pdf

working closely with a range of government and community stakeholders began developing strategy focused on understanding the local costs and drivers of crime and the responses that could reduce or prevent people's contact with the criminal justice system. The ACT Government subsequently introduced both a *Justice Reinvestment Strategy* (JRIS) and a 'JR program' *Building Communities, Not Prisons*.³² The project has been described as a 'policy shift grounded in JR principles' incorporating JR methodologies, including data driven decision-making and economic modelling.³³ The above program has been expanded, set out in the ACT Government plan *RR25BY25: Reducing Recidivism in the ACT by 25% by 2025*.³⁴ As part of this plan the ACT Government committed to diverting \$14.5mill in funding away from further prison expansion to community-based strategies and legislative and policy reform aimed at reducing recidivism.³⁵ The ACT initiative is a further example of how JR methodology may vary in implementation: in this case involving an upfront shift in resources rather than reinvestment of funds during Stage 4.³⁶

3. Reinforcing culture and self-determination: governance and data sovereignty

Existing JR projects seek to improve outcomes for First Nations communities.³⁷ For some projects this focus is quite explicit (including Maranguka, Olabud Doogethu, Cherbourg and Tiraapendi Wodli) and for others it is embedded within specific programs/interventions. The ACT initiative has a target population of *all* individuals cycling in and out of prison but focuses on reduction of Aboriginal and Torres Strait Islander incarceration by prioritising specific programs, including Ngurrumbai, an Indigenous bail support program.³⁸

³² See <<https://justice.act.gov.au/justice-programs-and-initiatives/reducing-recidivism/building-communities-not-prisons>>.

³³ Jordon Hayne and Niki Burnside, 'Canberra's only jail is running out of cells, but the Government wants to 'build communities not prisons', ABC, 15 February 2019.

³⁴ Justice and Community Safety Directorate, (2019).

³⁵ Bartels, (2019).

³⁶ The ACT has produced a video "Justice Reinvestment in the ACT". See <www.youtube.com/watch?v=kKXWH5tXwFQ&t=84s>

³⁷ For the Cowra project the focus has been on reducing 'JR-amenable' offences (and therefore offenders). These are offences for which there would be alternatives to imprisonment if a JR strategy was in place (Guthrie, et al, 2017, p. 7). The Katherine project had an initial focus on improving outcomes for young Aboriginal people but changed its focus to enhancing outcomes for all young people. See Allison (2016, p. 13) and Menzies School of Health Research (2019, p. 7).

³⁸ See discussion of Ngurrumbai see Le Lievre (2018) and ACT Government (Webpage): <<https://justice.act.gov.au/justice-programs-and-initiatives/building-communities-not-prisons/ngurrumbai>>

The fact that Aboriginal and Torres Strait Islander Social Justice Commissioners (ATSISJC) have been early and consistent champions of JR in Australia is likely to have contributed to this First Nations' focus, alongside widely held concerns about and an urgency around the reduction of First Nations over-representation in the criminal legal system.³⁹ ATSISJC have highlighted the community development and evidence-based elements of JR – however they have done so within a First Nations' understanding of context and implementation. For First Nations communities JR is defined as community-led processes that work preventatively to address drivers of incarceration as they impact on First Nations peoples and to reinforce self-determination and culture. The latter is an essential goal in itself as well as being crucial to addressing a major driver of First Nations contact with the criminal legal system - disempowerment of First Nations communities through colonisation.⁴⁰ As one Cherbourg community member said during initial JR consultations 'We just grew up with black, stand back. Our old people had to line up all the time, be counted and told what to do... all that control over the years affected generations'.⁴¹ Community development approaches also often identify and mobilise local assets. First Nations communities identify self-determination and culture as crucial assets for community empowerment, with the latter seen as essential to delivering better First Nations justice outcomes. In responses to the survey rolled out during initial JR consultations in Cherbourg (discussed above), for example, 'strong community leadership and support' was most commonly identified both as the primary factor that would help stop young people getting locked up and an existing strength within the community that would contribute to achieving this goal.⁴²

The discussion that follows considers how First Nations focused JR projects reinforce self-determination and culture through JR governance structures and mechanisms, JR processes and specific programs and interventions within JR projects, which also respond to First Nations-specific drivers of contact with the criminal legal system.

³⁹ For example, Aboriginal Torres Strait Islander Social Justice Commissioner [ATSISJC], (2009) and Calma, (2019) Commissioners have also directly supported individual projects.

⁴⁰ Olabud Doogethu describes this as follows. 'Historical injustices such as Stolen Generations, wage theft, and other colonial policies have deeply impacted Aboriginal people in WA, socially, emotionally, and economically. Subsequently intergenerational trauma and entrenched disadvantage and poverty are experienced at significantly higher rates than for the non- Indigenous population. Poor life outcomes associated with poverty are social determinants of crime' (Shire of Halls Creek 2019a, p. 8). Olabud Doogethu describes itself as providing a 'response to persistent Indigenous social, cultural and economic disadvantage' and other 'underlying causes of offending', including by supporting 'social and economic development' (Shire of Halls Creek, 2019b).

⁴¹ Allison (2018, p. 77).

⁴² Allison (2018, p. 81).

Men's Tribal Centre, Olabud Doogethu, Halls Creek



3.1 JR governance structures and mechanisms

3.1.1 JR leadership bodies

JR projects have governance structures which are generally context specific. We focus here on the governance structures that have evolved with the development of community-based JR in Australia (and not government JR structures such as in the ACT). These include structures that lead project work, which in keeping with JR's place-based focus are often locally based and must also be First Nations led.⁴³ Maranguka is identified as operating on a model of Indigenous self-governance. The Bourke Tribal Council has been established to lead the project and is described as the project's 'overarching community governance body representing the 24 clan and family groups of the Aboriginal community of Bourke'.⁴⁴ Tiraapendi Wodli also identifies as a community-led project, with its Aboriginal leadership group comprised of 9 independently elected members representing different language and family groups, Elders and young people.⁴⁵ This inclusion of Elders and young people and recognition of culture (through representation of local language and clan groups) are common elements of First Nations leadership of JR projects.⁴⁶ Moree has established a wholly Aboriginal Community Leading

⁴³ By way of contrast, see the ACT government governance structure for their JR programs. See Justice and Community Safety Directorate (2019, p. 28).

⁴⁴ See Maranguka webpage: <www.maranguka.org.au/about-us/bourke-tribal-council/>

⁴⁵ See JRSA and Tiraapendi Wodli webpages: <www.justicereinvestmentsa.org/projectssa> and <www.tiraapendiwodli.org.au/aboutus>

⁴⁶ Olabud Doogethu, for instance, has incorporated Youth Empowerment, encompassing participation in JR decision-making, as one of its guiding principles (Shire of Halls Creek, 2019a).

JR group, as a further example.⁴⁷ All of these groups lead through decision-making, incorporating decisions guiding the development and implementation of their respective JR strategies (still in development in Moree).⁴⁸ These JR strategies are important leadership mechanisms in themselves, enshrining community-identified goals and principles that directly inform all aspects of project implementation.

In the absence of or as a precursor to establishing a First Nations leadership body (particularly in the preliminary stage of JR implementation),⁴⁹ projects may have ‘hybrid’ overarching advisory or steering groups guiding the work of JR. These have local and external, Aboriginal and non-Aboriginal representation. Katherine and Cherbourg both have had JR steering groups with community member and service provider representation.⁵⁰ At the commencement of the Cherbourg project Indigenous and non-Indigenous representatives were drawn from and selected by DJAG and the Cherbourg Aboriginal Shire Council as the locally elected leadership body to form a steering group. Other representatives were drawn from the criminal legal system (police, magistrate, youth justice, corrections) and DATSIP. DJAG’s First Nations Action Board also played an important role in the set up and operation of this group.⁵¹ In the early days of the Katherine project Aboriginal and non-Aboriginal JR steering committee representatives came from NAAJA, NTCOSS, Red Cross and other services, at a Territory-wide and local level. In both Katherine and Cherbourg there were discussions of transitioning the oversight of JR to a local Aboriginal Community Controlled Organisation (ACCO), given the importance of First Nations leadership.⁵² As this has not occurred hybrid steering groups continue to guide the work. In Katherine, for instance, the original steering group expanded, increasing its local focus and representation. Now referred to as the Katherine Youth Justice Reinvestment Group (KYJRG), it is described as a ‘volunteer, community-based collective comprised of multiple individuals, agencies and service providers across the Katherine

⁴⁷ This was predated in Moree by a local JR Advisory Group, which commenced work on identifying priorities for JR.

⁴⁸ The Bourke Tribal Council strategy is *Growing our Kids Up Safe, Smart and Strong*. The Tiraapendi Wodli, strategy is the *Tiraapendi Wodli Priority Action Plan 2019-21* (currently under review).

⁴⁹ See section 2.1, above.

⁵⁰ It is noted that Maranguka in its earlier stages also received significant support from a Steering Committee with senior representatives from govt, philanthropic organisations and corporate partners

⁵¹ See <www.cyjma.qld.gov.au/youth-justice/aboriginal-torres-strait-islander-young-people/first-nations-action-board>

⁵² In Katherine to the Wurli Wurlinjang Aboriginal Health Service and in Cherbourg to the Aboriginal Shire Council.

township and region'.⁵³ Olabud Doogethu was also guided, for a time, by a Steering Committee with hybrid representation.⁵⁴ This project is now, however, led by an Aboriginal Board of the newly established Olabud Doogethu Aboriginal Corporation.⁵⁵

3.1.2 Collective impact and backbone organisations

Local leadership groups may be supported by (rather than have representation from) external organisations (not Aboriginal community controlled) who provide 'backbone' support. Most JR projects are implementing justice reinvestment using a collective impact framework. Collective impact brings together multiple stakeholders to respond to complex social issues affecting a particular place through collaborative, place-based and evidence-based approaches and for this reason it aligns well with the JR framework.⁵⁶ Collective impact has five elements: a common agenda, shared measurement, mutually reinforcing activities, and continuous communication between all relevant stakeholders.⁵⁷ Generally, a backbone organisation sits at the centre of and coordinates the work required to establish these elements for collective impact projects. These organisations are often an important component of the governance of JR projects. Backbone organisations do a lot of the 'on-the-ground' JR project work, coordinating activities and people around a shared agenda for change. Activities include assisting with access to data, funding and other resources; advising on JR methodology; engaging community members around JR; as well as building coordination and accountability across government and service sectors.

Sometimes backbone organisations are community based and First Nations led and at other times they may have a presence outside of a community. The Community Leading JR group in Moree and Tiraapendi Wodli's leadership group are supported by JRNSW and Red Cross, respectively, for instance. JRNSW provides backbone support from its head office and through local Aboriginal staff recruited in Moree and Mt Druitt. HCS provides backbone support for Olabud Doogethu, with its reach across multiple communities within the large area of the remote Shire. The Shire is described as Olabud Doogethu's 'key democratic structure' and as

⁵³ Menzies School of Health Research, (2019, p. 9).

⁵⁴ This Committee has 'responsibility for overseeing policy and program direction and monitoring impact', for instance. Material held by authors.

⁵⁵ See Olabud Doogethu webpage: <www.olabuddoogethu.org.au/our-mob/>

⁵⁶ Kania and Kramer, (2011, pp. 39-40).

⁵⁷ Kania and Kramer, (2011, pp. 39-40).

having ‘strong Indigenous support and leadership engagement’, with 70% of the Shire’s Councillors Aboriginal identified.⁵⁸ As backbone the Shire supports the project by recruiting local Aboriginal staff and coordinating the project and participating organisations and agencies, as directed by the project Steering Committee initially but now by the Olabud Doogethu Aboriginal Corporation.⁵⁹ Maranguka is coordinated by a Bourke-based Aboriginal-led backbone organisation, responsible for ensuring accountability on the part of government and service providers, which in this context means working to the Bourke Tribal Council’s priorities and principles. The backbone is itself also continually guided by the Bourke Tribal Council.

As this suggests, backbone organisations *stand behind* local leadership of JR but do not lead projects. This is particularly important where external (non-Indigenous) organisations operate as a backbone. Taking on the role of backbone is a further example of the important contributions external organisations can make to JR projects. It is very difficult to progress JR without a well-funded backbone organisation or similar structure with the time and resources to coordinate and carry out the work of the JR. Ultimately, the backbone ought to be community and First Nations led, as is the case with JR leadership structures. The backbone for Maranguka was originally supported by JRNSW but is now independent, operating in what JRNSW has referred to as a ‘fifth stage’ of JR, having transitioned to incorporation (with JRNSW providing only minimal support, as requested).⁶⁰ It is noted that where external organisations are providing support in any form this ought not to be withdrawn too early. The shift to local autonomy must occur at a time that is appropriate for the relevant community. Progression of the Katherine JR project, for instance, is likely to have been impacted by inconsistency of backbone and other external organisation support.

3.1.3 Other governance structures and mechanisms

JR projects may also establish working groups to progress activity in identified priority areas.⁶¹ Whilst representation from First Nations community members is often a priority, these groups

⁵⁸ Shire of Halls Creek, (2019b).

⁵⁹ Shire of Halls Creek, (2019a, p.16).

⁶⁰ Material held by authors.

⁶¹ Moree, for example, has set up two working groups: Engagement and Education and Supporting Families the Moree Way.

may again be hybrid in form – bringing together First Nations and other people and organisations. This allows working groups for different purposes. Firstly, they provide the opportunity for broader community participation in JR beyond a single community-based leadership structure. Secondly, their hybrid form can be beneficial for fostering collaboration between community members and service providers, with community perspectives central to working group processes. The Maranguka working groups, for example, are described as bringing community, government and service providers together ‘to deliver the community-developed and community-led strategy – changing the way government, NGOs and community members service and support the community.’⁶²

3.2 Data sovereignty in JR projects

As identified in our introduction, JR applies evidence-based approaches to reducing incarceration, including through its reliance on data. Data is a means to several ends, which include the following.

- It informs selection by community of priority areas for change and programs/interventions likely to deliver this change.
- Related to this, data can be used to hold government agencies and service providers to account, to identify and address problems related to their service provision and other interactions with and in community.
- It provides baseline data against which progress can be measured over time and that can inform community-led decision-making about which local initiatives, once implemented, are worth progressing, adapting or abandoning.
- It can also serve as a further mechanism for supporting and reinforcing self-determination and culture.

For JR projects with a First Nations focus all data work should be informed by Indigenous Data Sovereignty (IDS) and Indigenous Data Governance (IDG) principles. IDS and IDG principles enshrine Indigenous rights related to data. The Maïam nayri Wingara Aboriginal and Torres Strait Islander Data Sovereignty Collective describes these principles as including:

⁶² See <www.alsnswact.org.au/maranguka_working_groups>. Maranguka working groups have undertaken activities such as ‘inspiring a grassroots movement for change amongst local community members, facilitating collaboration and alignment across the service system’ and ‘delivering new community-based programs and service hubs’. Material held by authors.

- A right to control of the data ecosystem (including data creation, development, stewardship, analysis and dissemination).
- Data that empowers sustainable self-determination and effective self-governance.
- Data structures that are accountable to First Nations people.
- Data that is protective of and respects individual and collective interests of First Nations peoples.⁶³

These principles are a response to both the historical and contemporary role of research and data in the colonisation and control of First Nations communities.

Aligning data work by JR projects with these principles represents a further mechanism for reinforcing of self-determination and culture. They are applied in project advocacy around access to criminal legal system and other ‘bureaucratic’ or administrative data held by government and NGO data custodians. Data has consistently been extracted from Aboriginal and Torres Strait Islander communities, to be used in decision-making impacting on these communities but from which they are generally excluded. Providing JR projects with access to data is an important contribution that government and other organisations can offer. Once accessed, First Nations people can take ownership of the data and re-interpret it for their own purposes through community-led processes and a community lens. For instance, this data may provide community with evidence of current programs or government supports that are not meeting community needs, as well as other failings of government.⁶⁴ It can be used to drive positive change that is monitored over time by community (and government) and assist in ensuring accountability.

As an example, Maranguka’s early collection and dissemination of bureaucratic data provided the community with a ‘better informed and complete picture of what was happening with their children and young people’.⁶⁵ The data in question, once accessed, was consolidated into a data snapshot – both an important community engagement tool and a source of baseline data for Maranguka. Community members were upskilled to read and discuss the data in the snapshot at community forums and meetings. Community input was then recorded during these

⁶³ See Maianayri Wingara website: <www.maiamnayriwingara.org/key-principles> and also the Indigenous Data Sovereignty Communique at <www.aigi.com.au/resource/indigenous-data-sovereignty-communique/>

⁶⁴ For example, evidence of systemic discrimination in child protection, education and criminal legal system data.

⁶⁵ Material held by authors.

activities. This input and the bureaucratic data were then incorporated into a Community Feedback document, which was presented with the data snapshot to the Bourke Tribal Council. The Bourke Tribal Council used the data to inform its decisions about community goals and targets for incorporation into the local JR strategy *Growing Our Kids Up Safe, Smart and Strong*.

As further examples of self-determination in a data context, Mt Druitt has established an Aboriginal Data Governance Group to make decisions about project data and Moree has developed its own Indigenous Data Sovereignty principles. In Moree these principles inform the community's work with data, but also clearly establish expectations about how others, including government, ought to work with Moree around data. Of note, these principles identify community story telling as important data which can be gathered by community through, for example, surveys, community forums and yarning circles. Community data is an important tool for 'truth-testing' administrative data, as in the above example of Bourke community members making sense of and analysing bureaucratic data in a data snapshot. One of the authors participated in a Moree community meeting on JR data where a community leader identified the local graveyard and past eulogies as important sources of data that can tell the 'true story' of causes of death for Aboriginal people in the town, including deaths attributable to local industry (in particular, cotton growing). These types of stories may differ from and/or are unlikely to be found in government-held health or other data.⁶⁶ Tiraapendi Wodli has also introduced a Learning Partnership Project to inform progression of JR, using 'community storytelling and yarning circles as an important and legitimate source of data'.⁶⁷

On this point, community-led data processes bring together local knowledge of issues that are absent from bureaucratic data but are of importance to community. Government and other organisations collecting this data may not identify, understand or prioritise these issues; lack the interpretative frameworks and knowledge of the community; and/or have gathered data only at a regional, district or other higher population level. Community-led processes may be especially useful for gathering data from less visible, more socially excluded community members, in addition. For example, the Mt Druitt team visited Cobham Youth Justice Centre and Frank Baxter Juvenile Detention Centre and talked with young men about what positive

⁶⁶ Moree community data meeting, June 2021.

⁶⁷ Material held by authors

change they would like to see in their community. The Cherbourg project also visited prisoners in Maryborough Correctional Centre and for the Katherine project, young people who had exited incarceration were part of early conversations about the utility of JR for their respective communities.

4. JR project priorities: target populations, programs and interventions

This section considers the target populations of JR projects. It also looks at the issues projects generally prioritise, and the programs and interventions commonly proposed or introduced to respond to the latter issues and improve outcomes for projects' target populations. The discussion demonstrates the breadth of JR implementation, which has the potential to halt cycles of incarceration but to also avert initial entry into the justice system. For this reason, many JR projects identify their work as having a whole of community benefit or focus. A summary of common JR project issues, programs and interventions is set out in Table 1 in the Appendix.

4.1 Criminal legal system target populations and initiatives

JR has a primary criminal legal system focus, evident in its intention to improve outcomes within this system (especially reduced incarceration). As noted, concerns about these outcomes in a particular place often prompt JR activity, alongside a community being motivated and ready to drive change. Most of the JR projects have target populations encompassing younger people (aged 10-25yrs) and First Nations peoples cycling in and out of the criminal legal system. This is illustrated in early Olabud Doogethu consultations in Kimberley communities, which highlighted that 'the most important priority for community' was the 'health, wellbeing and futures of their young people'. Young people were also identified as a significant proportion of the Shire's population and as relatively underserved, given their complex needs.⁶⁸ This focus on young people reflects both the desire of communities to prevent their escalation to entrenched adult offending and recognition of their particular vulnerabilities. Additionally, JR is often focused on offences for which there are reasonable alternatives to imprisonment, described within the Cowra project as 'JR-amenable offences', as noted above.

⁶⁸ In 2019, Halls Creek township had a population of 5,000, of which 75% were Aboriginal and 65% were aged under 25 years (Shire of Halls Creek, 2019a, p.6).

These are also likely to encompass, by default, offences commonly committed by young people.

Criminal legal system reforms are required to tackle drivers of recidivism located *within* this system. ‘Circuit breakers’ are one instance of this, discussed previously; however projects are, more broadly, ‘partnering with justice agencies...to evolve their procedures, behaviour and operations towards a proactive and reinvestment model of justice’, according to JRNSW.⁶⁹ The reform initiatives in question frequently focus on diversion, remand, bail, and pre- and post-release policy and practice. This is exemplified by Olabud Doogethu, which prioritised community-based offender supervision programs through which offenders can volunteer with municipal services or attend camps aimed at addressing offending behaviours and increasing life skills.⁷⁰ Tiraapendi Wodli has also introduced an initiative through which Aboriginal people facilitate culturally supported reconnection to community and family for those leaving prison.⁷¹



Filming a youth-led project Mounity Yarns in Mt Druitt. Mounity Yarns brings together young people with lived experience of growing up in Mt Druitt to drive the change they want to see, including in the criminal legal system.

4.2 Common non-criminal priority issues and whole-of-community focus

All JR projects have a strong emphasis on early intervention and prevention, which leads to introduction of programs and interventions *outside* of the criminal legal system. For example, various JR projects have introduced driver licensing programs to address problems related to

⁶⁹ Material held by authors

⁷⁰ Material held by authors.

⁷¹ Material held by authors.

attaining a licence and aimed at decreasing driving offences.⁷² These and similar types of initiatives seek to address causal factors of offending, something the criminal legal system has comparatively limited capacity to do. Tiraapendi Wodli, for instance, identifies its activities as tackling ‘underlying factors which cause criminal offending, as a form of prevention, early intervention and community strengthening’.⁷³

As such, First Nations focused projects may refer to themselves as being ‘whole-of-community’ in scope; that is, improving outcomes for all community members. In changing local conditions JR addresses risk factors for contact with the legal system likely to negatively impact the wider community in multiple contexts (e.g., unemployment, mental health, accommodation etc.), not just those who are offending.⁷⁴ Not surprisingly, many JR projects are tackling the same or very similar (non-criminal legal system) issues. These include:

- School disengagement and discipline (including use of suspensions/exclusions)
- Youth disengagement generally (outside of an educational settings)
- Employment and educational outcomes
- Health and wellbeing issues (drug and alcohol, mental health, disability), and
- Families with complex needs, including those experiencing domestic and family violence.⁷⁵

In effect, these issues represent the social determinants of negative outcomes in a range of areas (e.g., health, education *and* the legal system). Although likely to be experienced by both Indigenous and non-Indigenous people, First Nations focused JR projects seek to respond to these determinants *as they impact on First Nations communities*. Evidence collected by

⁷² For example, a learner driver licence mentor program for Aboriginal people has been established with philanthropic and other support in Mt Druitt. Barriers to licensing are being addressed through provision of assistance with the Driver Knowledge Test, obtaining identity documents and free lessons. Participants are also able to work off fines while completing the program through a WDO. Tiraapendi Wodli also has a ‘Two Roads Driver Mentor Scholarship’ program. In partnership with a local senior high school this provides Aboriginal students with an opportunity to work towards their P-plate license, as part of their ‘work ready’ flexible learning plan.

⁷³ Emphasis added. Material held by authors.

⁷⁴ Maranguka’s overarching goal is also ‘to reduce Aboriginal contact with the justice system, through early intervention and support for those at risk of or already connected with this system’. However, the project also identifies using a ‘whole of community approach’. Just Reinvest NSW, (2018, p. 19).

⁷⁵ As examples of this commonality, JR consultations in both Katherine and Cherbourg community both identified ‘social issues’ contributing to offending as mental health, disability and AOD; family violence; disengagement from education; and a lack of belonging and connection for young people (Menziess School of Health Research, 2019; Allison, 2018; Allison, 2016).

projects, including the data discussed in [3.2], often identifies these impacts as both disproportionate and as consciously or unconsciously racist. JR programs and interventions are likely to be aimed at achieving *equality of outcomes* for Aboriginal and Torres Strait Islander people in these areas. Additionally, however, JR also seeks to address causal factors for incarceration that *only* impact on First Nations peoples, including the abovementioned community disempowerment resulting from colonisation. Other causal factors within JR's focus include the disempowerment and fragmentation of First Nations families and communities arising from racist policies of forced child removal, forced dislocation of communities, and discriminatory policing and imprisonment.



Moree Secondary College, Women's Session, Youth Forum in Moree, talking about culture, healthy relationships and where to seek support.

In this context, alongside First Nations designed governance structures, JR programs and interventions often aim to directly or indirectly build upon and strengthen First Nation's self-determination and culture as a response to these various types of causal factors. This is exemplified in JR initiatives which are community-led, culturally tailored, place-based and/or On Country and are positioned in the criminal legal system and outside of it.⁷⁶ The stated purpose of Tiraapendi Wodli, for instance, is 'to strengthen the community and increase the empowerment of Aboriginal people to lead initiatives that address their needs'.⁷⁷

Examples of such initiatives outside of the criminal legal system include those of Olabud Doogethu. Through the Mibala Learning Country project Olabud Doogethu staff have developed a course and qualification in On Country Lecturing. Through this teaching program they support students to attain a vocational qualification that combines traditional and cultural

⁷⁶ Such as the Olabud Doogethu and Tiraapendi Wodli initiatives referred to in section 4.1.

⁷⁷ Material held by authors.

learnings with contemporary skills sets. Students are predominantly those who are disengaged from or not supported through mainstream education, with the project aimed at encouraging engagement with further training and employment pathways or opportunities. Olabud Doogethu also identifies leadership and capacity building as intended outcomes of its ‘community or neighbourhood building’ initiatives. This occurs through mentoring and other programs. Initiatives include volunteer Elders taking young people to places of cultural significance, language programs and Yarning Groups through which new community leaders are identified and fostered. Additionally, a Men’s Tribal Centre has emerged following the work of a local Elders Reference Group. The land on which the Centre sits was once an ancient Lore ground and is of great cultural significance in Gija and Jaru male culture. It is seen as a safe place for men and boys to gather, to share both traditional and contemporary teachings and learnings, and to connect with culture. Olabud Doogethu is, in addition, creating a pool of local community mentors to help tackle intergenerational trauma and suicide, as well as advocating for an increase in mental health service provision.⁷⁸



Participants in the Mibala Learning Country project, Olabud Doogethu

⁷⁸ See Shire of Halls Creek, (2019a).

JR projects may also partner or collaborate with local ACCOs to deliver programs or interventions, which is a means of further strengthening culture and self-determination. The ACT JR project, for example, incorporates government-led programs, as well as government support for ACCO-led programs, including *Yarrabi Bamirr*. Through this program the ACT government supports a local Aboriginal primary health care service to coordinate community-based support for families with high and complex needs to reduce rates of recidivism.⁷⁹ In Mt Druitt, JRNSW has supported the local ACCO Babaayan Aboriginal Corporation to lead reform in relation to police/community relations.

5. Systems-based reform

This section considers the work of JR projects that seeks to change systems, particularly government and NGO service delivery in First Nations communities. Sometimes this work aligns with priority issues such as improving educational or health outcomes (to reduce contact with the criminal legal system), discussed in the preceding section. In a broader sense, work in this area aims to shift existing power relationships between community, service providers and government.

5.1. Addressing government and service sector issues

A shared focus for JR projects in Australia is the need to address the drivers of offending and incarceration that are embedded within the operation of government and service sector systems. These might be location or issue-specific such as inadequate pre-release support or over-reliance on school exclusion for students with complex needs and therefore require quite targeted reforms. All JR projects also identify more comprehensive failings within service provision that directly or indirectly contribute to poor justice outcomes. JR projects, in fact, may emerge in response to and with the intention of trying to address these failings. Under and over-servicing and poor service coordination are raised in this context. Katherine, for example, was selected for JR, in part, because of its ‘unique lack of basic facilities and services to support youth, thus heightening the impact of social issues’ contributing to youth offending.⁸⁰

⁷⁹ See Payne and Fogarty (2019) for an evaluation of this initiative.

⁸⁰ For example, Katherine did not have a residential rehabilitation facility for young people who were thus (unrealistically) required to travel 1,200km to Alice Springs to receive counselling services for alcohol and drug abuse issues.

Conversely, multiple service providers may be servicing a community, at great cost, without delivering the outcomes community needs and expects.

Through targeted interventions JR projects push for greater accountability on the part of government and service sector providers in terms of contribution they ought to be making to improved justice outcomes. Moree, as an example, is gathering data on the degree to which local services are trauma-informed and on their levels of Aboriginal staffing. This will be used to advocate for better quality trauma-informed service delivery and increased local Aboriginal employment, both identified as likely to help reduce contact with the criminal legal system.

More expansive JR project interventions may tackle system-wide issues such as problematic service delivery, including due to poor collaboration and coordination. Projects may seek access to data identifying resources currently expended on servicing the community through a process known as ‘investment mapping’. This data can be used by the community to advocate for shifts in existing resource allocation to ensure it better meets community needs. Additionally, community identified principles, goals, outcomes and indicators (to measure progress of JR activity) may be set out in JR strategies and other frameworks. These facilitate systems change by providing clear direction to government and NGOs about how they ought to be working together, and in and with the JR community in question. For example, Maranguka’s Cross-Sector Leadership Group (CSLG) draws together senior level government representation from multiple government departments and a designated government champion.⁸¹ The group meets quarterly to authorise and facilitate service provision in Bourke to ensure it aligns with the *Growing our Kids Up Safe, Smart and Strong* JR strategy.⁸² The Cowra project has also proposed the development of a ‘JR Accord to guide the work of a Cowra JR Authority, a local governance group that might steer the project moving forward’. The Accord is intended to be a ‘formal agreement between human services ... and criminal justice agencies’ to work in partnership to support those at risk of or already in contact with the justice system.⁸³ It is to be consistent with the elements of collective impact discussed above, which aim to bring multiple parties together around a shared agenda for change, thereby building

⁸¹ This is currently NSW Health Minister Brad Hazzard.

⁸² See discussion of the Cross Sector Leadership Group in Sydney Policy Lab (2021). Moree is also progressing work around establishing a cross-sector leadership group, tapping into existing structures that bring together senior government staff.

⁸³ Guthrie, et al, (2017, p.102).

collaboration and coordination.⁸⁴ Tiraapendi Wodli is also working towards development of an ‘In Principle Statement of Agreement’ with key local Aboriginal-led organisations to ‘establish ways of working which strengthen their collective ability to be more responsive and effective in advocating for change, including through greater partnerships between services’.⁸⁵

5.2 Policy and law reform

Various JR projects are active advocates in State or Territory-wide law, policy and practice reform strategies, which complements or bolsters efforts to change practice and procedure at a local level. This approach is crucial to achieving the objectives of JR as First Nations outcomes in the criminal legal system cannot be improved by individual communities on their own. A more collective response and systemic reforms on the part of government are required.

JR peak bodies, including Social Reinvestment WA, JRSA and JRNSW, have also played a key role in this space.⁸⁶ Social Reinvestment WA, for instance, played a major role in fine default reform.⁸⁷ In addition to supporting local JR projects, JRNSW focuses on broader systemic change ‘to build safer and stronger communities’ - undertaking research, collective advocacy with other organisations, and political lobbying for legislative and policy reform.⁸⁸ Those living in communities working with JR, in partnership with JRNSW, are given a voice in broader advocacy work and this advocacy pushes for reform essential to bringing about change at a local level. JRSA has also given voice to community concerns and priorities in their advocacy work around raising the minimum age of criminal responsibility and legislating for Aboriginal Sentencing Courts in SA.

Advocacy is also undertaken by academics with some focus on JR. ANU researchers involved in the Cowra project, for example, identified their work as aimed, in part, at increasing understanding of JR in Australia as a policy response to ‘criminal justice and justice health costs.’⁸⁹ Academics, advocacy groups and those working more directly with JR projects come

⁸⁴ Guthrie, et al, (2017, p.103).

⁸⁵ Justice Reinvestment Network Australia, Port Adelaide (Webpage, 2019). See <www.justicereinvestment.net.au/community-profiles/port-adelaide-south-australia/>

⁸⁶ For example, in campaigns to raise the minimum age of criminal responsibility.

⁸⁷ See SRWA webpage: <<https://www.socialreinvestmentwa.org.au/finedefaultreform>>

⁸⁸ Material held by authors.

⁸⁹ Guthrie, et al, (2017, 2017, p. 59)

together through the JRNA.⁹⁰ The JRNA relies on a similar two-tiered approach to the peak bodies. As noted earlier, it advocates nationally for policy reform likely to help achieve the broader objectives of JR, while also aiming to support communities exploring or implementing JR. It has been important in providing a national voice for JR in Australia and has assisted in developing an evidence base on JR projects – hampered somewhat by an absence of funding. JRNA national advocacy has for the most part, and in collaboration with other advocacy organisations, pushed for federal funding of additional JR sites around Australia and the establishment of a national JR coordinating body.⁹¹ It is proposed that the national JR body could further build the evidence base on JR projects, provide information to interested communities about JR; assist with access to data; provide governance, program and evaluation advice; and offer other support.

6. Financial and other resourcing of projects

6.1 Sources of project funding

Various issues arise in relation to the funding of JR projects and some of the more important issues are focussed on here. Firstly, a significant amount of work is required prior to any reinvestment of government funds in Stage 4. This work requires substantial resourcing, which can be difficult to secure. A lack of funding at any stage of a project will impact on project progression, as has been the case, for instance, for Katherine and Cowra.⁹²

Resourcing is another important area in which organisations provide support to and partner with JR projects. Organisations will provide funding directly or help projects to source it, with peak bodies playing an important role in this context. Organisations providing or sourcing funding to date have included:

- Law Societies (in the NT and SA)⁹³

⁹⁰ See the JRNA webpage: <<https://justicereinvestment.net.au/>>

⁹¹ See for example, Change the Record and JRNA's Federal pre-budget submission to Treasury on funding for JR (2019) at <https://treasury.gov.au/sites/default/files/202105/171663_change_the_record_and_justice_reinvestment_network_australia.pdf>

⁹² JR in Katherine is presently unfunded, despite multiple attempts to secure additional resources. The ANU and Cowra community have also been lobbying government for financial assistance to continue JR work.

⁹³ The Law Foundation of SA provided \$80,000 seed funding in 2016 to establish a justice data profile for Port Adelaide and to identify Aboriginal community stakeholders with capacity to contribute to establishing a community-led initiative. Justice Reinvestment Network Australia, Port Adelaide (Webpage, 2019). See www.justicereinvestment.net.au/community-profiles/port-adelaide-south-australia/. The NT Law Society has provided funding to JR in Katherine on two occasions.

- academic institutions (including through external grants)⁹⁴
- philanthropic and corporate organisations
- State, Territory and Commonwealth Governments.

Difficulties in sourcing funding means that projects often rely on multiple funders, each providing money for specific pieces of work. As a result, project funding can be piecemeal and ad-hoc. Illustrating this point, at various times Tiraapendi Wodli has been supported financially by the SA State Government, supplemented by smaller contributions from the Australian Red Cross Society of Women Leaders, the Wyatt Benevolent Trust and The Alcohol and Drug Foundation. Similarly, Bourke has been selected as one of 10 communities funded for a 5-year period by the Department of Social Services (DSS) through its *Stronger Places, Stronger People* initiative, but over time has also received funds from NSW Government, philanthropic and corporate organisations.⁹⁵

As this indicates, project funds come from both government and NGO sources. Positive aspects of philanthropic or corporate funding identified by JRNSW include that it provides a ‘space’ within projects for ‘Aboriginal community leadership, control and flexibility’.⁹⁶ The autonomy provided by private sector funding may be preferred over government funding by communities working with JR. Arguably, however, government should not be stepping back from its responsibility to invest in JR projects (prior to Stage 4 reinvestment), with some philanthropic and corporate funders of JR looking to government to match their funding.

Organisations are also providing in-kind contributions to JR. As examples, NGOs and government agencies may release existing staff or set up newly created staff roles for JR projects, as has occurred in Cherbourg (with both DJAG and DATSIP) and Katherine and Tiraapendi Wodli (with Red Cross). Law firms are also providing pro-bono in-kind and financial contributions to JR projects, including Tiraapendi Wodli, Moree and Mt Druitt, and

⁹⁴ For instance, Menzies School of Health Research and ANU.

⁹⁵ Philanthropic and corporate support for Maranguka has come from a range of sources, including Dusseldorp Foundation, Vincent Fairfax Family Foundation. Information on the Stronger Places, Stronger People initiative is at < <https://www.dss.gov.au/families-and-children-programs-services/stronger-places-stronger-people> >

⁹⁶ Material held by authors.

to policy and advocacy work at a national and State level.⁹⁷ Various universities and academics are also providing in-kind support at local, state and national levels.⁹⁸

6.2 Reinvestment

As discussed at different points in this report, government at all levels, at various times and to various degrees has made contributions to JR projects. These include initiating, coordinating and (in the ACT) leading projects; sharing data; participating in JR governance structures; resourcing projects; and considering reforms and innovation relevant to JR, including at a place-based or On-Country level.⁹⁹

Though justice issues are largely a State/Territory responsibility there is potential for local government to support and partner with projects. Cherbourg, Cowra and Lismore (NSW) Councils, for instance, have considered or committed to supporting/partnering with projects. Aboriginal controlled Councils provide Aboriginal leadership of JR projects and in this context, the most active role played by a local government to date has been by the Shire of Halls Creek.

Whilst there have been other examples of good practice in terms of government input into JR, significantly, there is also a lack of commitment, to date, to reinvest government funds into community-led JR. An exception has been the ACT government which has made an up-front commitment to invest funds earmarked for ACT prisons into JR.¹⁰⁰ This lack of commitment is partly due, no doubt, to the conservatism of government, which is more familiar with funding programs and service provision than initiatives aiming for more systemic change. First Nations peoples also attribute this to a long-standing reluctance to pass control back to First Nations communities.¹⁰¹ The previous Federal Government did not provide a response to

⁹⁷ King and Wood Mallesons law firm provides secretariat support for JRNA as well as supporting JR sites and peak bodies (e.g., research and other assistance).

⁹⁸ For example, Jumbunna Institute for Indigenous Education and Research (UTS) supports the JRNA website and academic research in this area.

⁹⁹ Individual MPs are also sometimes advocating for JR in their respective electorates and jurisdictions, including for example, Federal MPs Pat Dodson and Linda Burney and ACT MP Katrina Hodgkinson.

¹⁰⁰ In its 2014-15 budget the ACT committed to the development of a whole of government justice reinvestment approach aimed at reducing recidivism and diverting offenders and those at risk of becoming offenders from the justice system.

¹⁰¹ In the case of the NSW Government, evidence of savings generated and presented by Maranguka was seen as not sufficient to justify a commitment to reinvestment. See further below in Section 7.

recommendations of an inquiry into rates of Aboriginal and Torres Strait Islander incarceration finalised by the Australian Law Reform Commission in 2018. These recommendations include setting up and resourcing a national coordinating body for JR and funding additional JR sites around Australia.¹⁰² Prior to the Federal Election in May 2022 the ALP announced that it would set up a national body and fund up to 30 new JR sites if elected, committing \$79m over four years.¹⁰³ Given their recent election win, how this election promise is implemented will be of keen interest to those working with and watching the growth of JR in Australia. The commitment is in most respects very positive, but it will be important to ensure that it is not rolled out in too programmatic a fashion, can provide the resources required for the broad focus of the work of JR projects and is genuinely informed by Aboriginal and Torres Strait Islander peoples (including their perspectives on which communities are ‘ready’ to explore or implement JR, discussed above in the context of a preliminary stage of JR in Australia). Moreover, whilst the Federal Government does not control the correctional purse strings of the States and Territories there is further thinking to be done around how it might incentivise a reinvestment of funds into JR projects – perhaps through its Closing the Gap strategy, the priority reform areas of which align neatly with JR objectives.

More practical barriers to reinvestment are evident. Reinvestment involves the design and implementation by community and government of a mechanism through which sustainable funding and other resources are passed across to and are in the control of local communities, and by divesting funds from more punitive justice responses. There is considerable complexity in thinking through what this mechanism might look like. Other specific questions arising in relation to reinvestment include how to expand responsibility for investment outside of justice portfolios, given that the work of JR is likely to generate savings and avoid costs in areas such as education and child protection.¹⁰⁴ These and other issues require careful consideration, informed by community perspectives and needs.

¹⁰² Australian Law Reform Commission (2018).

¹⁰³ See ALP webpage: < <https://www.alp.org.au/policies/justice-reinvestment> >

¹⁰⁴ In this context, there has been some appreciation within projects of the need for whole-of-government involvement in all aspects of JR work. In September 2018, upon completion of initial JR project consultations the Queensland Government, for instance, indicated that it was considering implementation options, project expansion and the governance required for a *whole of government initiative*. See JRNA updates in 2019 on Webpage: <www.justicereinvestment.net.au/community-profiles/cherbourg-qld/>.

As a final point, projects have also had difficulties undertaking investment mapping, described above - mostly due to barriers to accessing data on existing local resourcing. Investment mapping has the potential to shift funding, in addition (and prior) to any government reinvestment of money ordinarily occurring at a later stage of JR implementation.

7. Defining project success

JR project monitoring, evaluation and learning (MEL) is particularly important. It provides for assessment of progress towards identified targets or outcomes. This is necessary, amongst other things, for calculating any reinvestment of funds by government (likely to be dependent on attainment of specific outcomes). MEL frameworks and their implementation also help community to identify activities and processes that are working well and those that need to be refined, increasing the likelihood of project success in the longer-term. The latter also contributes to the collection of evidence nationally around implementation of JR - useful for policy makers, funders, government, and communities already implementing or considering working with JR.

Projects may more informally measure success based on the degree of stakeholder or community engagement achieved or the number of initiatives progressed and to what stage. Some projects have conducted more formal assessments of their impact and effectiveness, with some reliance on criminal legal system and other population level statistics. The 2018 KPMG *Impact Assessment Report* on Maranguka, for instance, detailed crime statistics for 2016-17 pointing to a reduction in domestic violence and rates of reoffending (by around 23%), charges across the top five juvenile offence categories (by 38%), bail breaches and days spent in custody (by 14% and 42% respectively). An increase in Year 12 student retention rates (by 41%) was also identified in the report, alongside family strength, youth development, and adult empowerment as areas of significant improvement. The report estimated the gross financial impact of Maranguka on the Bourke economy in 2017 at \$3.1 million, around 5 times greater than its operational costs of \$600,000.¹⁰⁵ KPMG pointed to this as evidence of the effectiveness

¹⁰⁵ KPMG (2018); Cunneen and Russell (2018).

of a JR approach.¹⁰⁶ Olabud Doogethu has also attributed a 63% reduction in burglaries and 69% reduction in arrests for 10-17yr olds in 2017-2020 to project work.¹⁰⁷

Other types of project evaluations have been point-in-time¹⁰⁸ or programmatic.¹⁰⁹ Sometimes programmatic evaluations are required because of the nature of project funding (including its reliance on multiple funding sources). Individual funders may require some level of impact assessment or evaluation of a single aspect of JR work they have resourced. More comprehensive evaluation of projects is required given that JR is not a program (or set of programs), as discussed above. As such, JR and other place-based, systems change-focused projects usually aim to achieve outcomes other than those tied to a specific program or measured by way of population level data. Increases in service coordination, community cohesion, cultural and language knowledge, and self-determination are examples of the broader outcomes of JR in Aboriginal and Torres Strait Islander communities.¹¹⁰ On this note, it is highlighted that all MEL work (including design and implementation) ought to be informed by IDS and IDG principles, discussed above, which requires that First Nations defined outcomes and indicators of success are prioritised.

Projects (including Maranguka and Moree) have established or are establishing more comprehensive MEL frameworks that monitor changes in population level data whilst also evaluating the effectiveness of JR programs and interventions and project governance and processes.¹¹¹ Ideally, a MEL framework would be set up early in the life of a project, but this requires funding which as noted is often difficult to access. Limited access to the requisite expertise to evaluate the complex work of JR, problems sourcing data and perceptions of the

¹⁰⁶ KPMG (2018, p. 24). Further, it was predicted in the report that if the results of 2017 are sustained by at least half, an additional gross impact of \$7 million over the next five years could be achieved.

¹⁰⁷ ‘Justice reinvestment program reduces youth offence rates in Halls Creek Shire’ *National Indigenous Times*, 4 March 2020: <www.nit.com.au/justice-reinvestment-program-reduces-youth-offence-rates-in-halls-creek-shire/>

¹⁰⁸ Red Cross and JRSA have engaged academics to review the successes and impacts of Tiraapendi Wodli at a point in time. Justice Reinvestment SA, *Tiraapendi Wodli* (Webpage, 2019) <www.justicereinvestmentsa.org/projectssa>.

¹⁰⁹ For example, Payne and Fogarty (2019).

¹¹⁰ Achieving these outcomes, however, should lead to positive changes at a population level. One key task of a JR project MEL is to identify the contribution made by project work to these broader changes.

¹¹¹ Maranguka, the ACT, Olabud Doogethu, Tiraapendi Wodli and Moree projects have established, are in the process of or are working towards the development of MEL frameworks.

time required to progress and therefore measure more substantive impacts of JR are further issues impacting on evaluation. Most JR projects are still relatively young.

8. Conclusion

There has been growing interest in JR in Australia amongst First Nations peoples, academics, policy makers and others for well over a decade. In this context, this report considers the development of JR by considering its progress to date, and more specifically, JR project governance and programs and interventions designed to tackle issue-specific and more systemic drivers of the ongoing disproportionate incarceration of First Nations peoples. Also highlighted are ways in which government and NGOs can support local leadership of JR through, for example, the provision of financial and other resourcing or through criminal and other law and policy reform.

There are currently multiple communities across Australia that are keen to explore JR. There is also the promise of substantial financial and other commitment in JR from the newly elected ALP Federal Government. Against this backdrop, this report has sought to identify key learnings about JR implementation to help inform what is likely to be an expansion of JR activity in coming years. Importantly, much of these learnings have been drawn from the perspectives and experiences of those already working with and advocating for JR, particularly as members of the JRNA. We note that further research and policy development required to assist communities, government and the NGO sector in ensuring effective JR implementation in Australia should also be informed by those with direct, working knowledge of JR.

The key learnings identified in this report include that whilst there are significant differences between existing Australian projects, for the most part they are guided by but have **adapted the JR framework and methodology** imported from the US. This adaptation, affecting all stages and aspects of JR implementation, has been primarily shaped by First Nations thinking and priorities, including those related to strengthening of self-determination and culture. This represents what the authors identify as *a fifth element* of the JR framework. There are numerous examples of this adaptation, from incorporation of IDS and IDG principles in JR project data work to approaches designed to align service delivery (including resource allocation) with local community identified outcomes, the establishment of First Nations governance of projects, and the development of culturally centred programs within JR projects. It is thus important to

recognise that **JR is not a static concept or set of prescriptive measures** – it is an evolving process developed from communities engaging with solutions to the justice issues they face. And as shown in this report, by far most of the currently functioning JR projects in Australia are **community-driven**.

The report also identifies an additional *preliminary stage* within the JR methodology for First Nations focussed projects. This involves the gathering of First Nations community data on readiness to implement JR, which has more emphasis on strengths and capabilities of the community compared to the criminal justice agency data on incarceration, recidivism, etc relied upon traditionally to determine JR locations. The early process of thinking through community preparedness is positive, as local community members and organisations consider strengths, leadership, desire for change and other ‘assets’. This is a different developmental approach to JR compared to the method where external organisations (be they government or NFPs) use a ‘top down’ selection of particular sites.

The report identifies First Nations **self-determination and culture** as essential elements to achieving JR objectives of reduced incarceration and other outcomes which a community might seek to achieve. Self-determination and culture are foundational for community empowerment and are essential to delivering better First Nations justice outcomes. On this note, the breadth of activities implemented by projects described above and summarised in Table 1 in the Appendix point to the broad scope of work First Nations communities are undertaking in a JR context – from early childhood health and development and access to driver licences to community mentoring and support of those at risk of suicide, exiting prison or appearing in court. **Data sovereignty** in JR projects is also an important expression of community self-determination. Through the JR process First Nations people can take ownership of administrative and other data and re-interpret it for their own purposes through community-led processes and a community lens.

JR projects reinforce self-determination and culture through JR governance structures and other mechanisms. **Governance structures** are generally context specific, locally based and First Nations led. Commonly, these structures represent different local language, tribal and family groups, as well as Elders and young people. There may also be **overarching advisory or steering groups** comprised of community members and service provider/NFP/government representation. Our Report also shows the importance of **‘backbone’ organisations** that

support and *stand behind* local Aboriginal leadership groups by conducting a range of activities to enable JR projects to progress.

Enhancers and barriers to the success of JR projects are summarised in Table 2 in the Appendix. Relevant barriers include that a community wants to explore JR but lacks information and resources to do so. Organisations may step in at the early stages of JR exploration and implementation to address this gap. As identified above, thus far no community in Australia has fully self-initiated, funded and implemented JR. Those working with JR have always required government or non-government organisational support to begin with and for a considerable time period after a project has commenced. Peak organisations in SA, NSW, WA have influenced whether projects get up and running, as well as their longer-term success. This type of overarching support from a body that has experience with JR (and probably also collective impact) and ability to assist a community to access financial and other resources is identified as an enabler. It is hoped that a national coordinating JR body would be able to take on a similar and somewhat expanded role to the current peak bodies, potentially in collaboration or partnership with additional peak bodies that could emerge in all States and Territories over time.¹¹² A key aspect of the work of such bodies is legislative or policy reform advocacy, informed by ‘ground-up’ perspectives from communities. This more structural work is crucial to achieving reduced contact with the criminal legal system through reduced criminalisation and incarceration. The JR peak bodies, including Social Reinvestment WA, JRSA, JRNSW at state level and the JRNA nationally have all been involved in advocacy for legislative or policy reform in a range of criminal law and other areas. These have included for example advocacy to increase the minimum age of criminal responsibility, to reform bail laws and to change educational policies on the use of school suspensions and expulsions.

Though government or non-government organisational support or input into projects is a potential enhancer, it has the potential to be a barrier, including when it is insufficient, inconsistent or withdrawn too early, before a community is truly self-sustaining in terms of access to financial and other resources. Examples of barriers in this context include the common difficulty communities face in accessing data held by government agencies or the limited capacity of peak organisations to support the number of communities expressing an interest in JR. Additionally, it could be problematic if a community is supported by an

¹¹² There has been discussion in both QLD and NT about setting up similar peak bodies to JRNSW, JRSA and Social Reinvestment WA.

organisation during a preliminary stage to consider its readiness for JR but is then left on its own to establish and run a coordinating or backbone organisation or any other elements that need to be in place to progress JR beyond initial discussions.

Organisations also need to know when and how to step back so that communities are genuinely the leaders of project work, including as project decision-makers. This is important from the very earliest stages of JR, when there is consideration of whether and how to progress JR. A key enabler of JR is that the community in question is motivated and ready to lead change. Community must determine this, and decide what evidence is required to indicate this readiness, taking all the time this important process needs. A further barrier to progression includes lack of sustained funding. To date, primarily philanthropic and corporate funders have provided resources to enable progression of JR to a certain point, but governments need to step in and commit to ongoing JR project funding through reinvestment mechanisms.

References

Aboriginal Torres Strait Islander Social Justice Commissioner [ATSISJC] (2009) *Social Justice Report 2009*, Australian Human Rights Commission, Sydney.

ACT Government (2019) 'Building Communities, not Prisons: expanding the ACT's nation-leading Justice Reinvestment program', Media release, 3 June 2019, Available at: https://www.cmtedd.act.gov.au/open_government/inform/act_government_media_releases/rattenbury/2019/building-communities,-not-prisons-expanding-the-acts-nation-leading-justice-reinvestment-program

ACT Government (Webpage) 'Ngurrumbai, Justice and Community Safety Directorate', Available at: www.justice.act.gov.au/justice-programs-and-initiatives/building-communities-not-prisons/ngurrumbai

Allison, F (2016), *Justice Reinvestment in Katherine, Report on Initial Community Consultations*, [online] Available at: www.jrna228913579.files.wordpress.com/2018/11/jrkatherine_final_report.pdf

Allison, F (2018) *Justice Reinvestment in Cherbourg – Report on Initial Community Consultation*, [online] Available at: www.jrna228913579.files.wordpress.com/2018/11/jr-cherbourg-finalreport.pdf

Allison, F. and Cunneen, C. (2018) *Justice Reinvestment in Northern Australia*, The Cairns Institute Policy Paper Series, James Cook University, Cairns.

Australian Law Reform Commission (2018) *Pathways to Justice-Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*, Australian Law Reform Commission, Sydney.

Bartels, L 'Australian governments should follow the lead in building communities, not prisons' The Conversation February 21 2019. < <https://theconversation.com/australian-governments-should-follow-the-acts-lead-in-building-communities-not-prisons-111990>>

Brown, D., Cunneen, C., Schwartz, M., Stubbs, J. and Young, C. (2016) *Justice Reinvestment: Winding Back Imprisonment*, Palgrave MacMillan, Basingstoke.

Calma, T. (2019) 'Justice reinvestment: Key to reducing Indigenous incarceration', Lawyers' Alliance, 6 June, [online], Available at: www.lawyersalliance.com.au/opinion/justice-reinvestment-key-to-reducing-indigenous-incarceration

Cunneen, C. (2022) *Defund the Police. Possibilities for Police Divestment and Abolition*, Policy Press, Bristol.

Cunneen, C., Brown, D., Schwartz, M., Stubbs, J. and Young, C. (2017) 'Justice Reinvestment as Social Justice' in Weber, L., Fishwick, E. and M. Marmo, (eds) *The Routledge International Handbook of Criminology and Human Rights*, Routledge, Milton Park, pp 309-318.

Cunneen, C. and Russell, S. (2018) 'As Indigenous incarceration rates keep rising, justice reinvestment offers a solution', *The Conversation*, 11 December, [online] Available at: www.theconversation.com/as-indigenous-incarceration-rates-keep-rising-justice-reinvestment-offers-a-solution-107610

Dawes, G. and Davidson A. (2017) 'Keeping on Country: understanding and responding to crime and recidivism in remote Indigenous communities' *Australian Psychologist*, 52(4): 306-315.

Department of Justice and Attorney General (Youth Justice) (2017), *Government response to the independent review of youth detention*. QLD Government [online] Available at: www.youthdetentionreview.qld.gov.au/governments-response-to-the-report.pdf

Guthrie et al (2017) *Exploring the Potential of Justice Reinvestment in Cowra: Community Report*, Australian National University, Canberra.
<http://ncis.anu.edu.au/_lib/doc/JR_workshop_report_nov2011.pdf>

Justice and Community Safety Directorate (2019), *RR25BY25: Reducing Recidivism in the ACT by 25% by 2025*, ACT Government, <https://justice.act.gov.au/sites/default/files/2020->

08/Plan%20-%20RR25by25%20-%20Plan%20for%20printing%20-%20web-%20%20Final_0.PDF

Just Reinvest NSW, ALS and AHRC (2013) *An opportunity to invest in the Aboriginal young people of Bourke*.

Just Reinvest NSW (2016) *Justice Reinvestment: Getting started in your community. A Toolkit*. [online] Available at www.indigenousjustice.gov.au/resources/justice-reinvestment-toolkit-getting-started-in-your-community/

Just Reinvest NSW (2018) *Annual Report 2017-2018*, [online] Available at www.justreinvest.org.au/wp-content/uploads/2015/02/Annual-Report-2017-18.pdf

Kania, J., & Kramer, M. (2011) 'Collective Impact', *Stanford Social Innovation Review*, 9(1): 36–41. <https://doi.org/10.48558/5900-KN19>

KPMG (2016) *Unlocking the Future: Maranguka Justice Reinvestment Project in Bourke Preliminary Assessment*, [online] Available at: www.justreinvest.org.au/wp-content/uploads/2016/11/KPMG-Preliminary-Assessment-Maranguka-Justice-Reinvestment-Project.pdf

KPMG (2018) *Maranguka Justice Reinvestment Project: Impact Assessment*, (Audit Report), [online] Available at: www.justreinvest.org.au/wp-content/uploads/2018/11/Maranguka-Justice-Reinvestment-Project-KPMG-Impact-Assessment-FINAL-REPORT.pdf

Le Lievre, K. (2018) 'ACT Justice Reinvestment Trial Extended After Strong Results', *The Canberra Times*, 14 July, [online] Available at: www.canberratimes.com.au/story/6014434/act-justice-reinvestment-trial-extended-after-strong-results/

Menzies School of Health Research (2019) *Katherine Youth Justice Reinvestment. Final Report*, [online] Available at:

www.menzies.edu.au/icms_docs/309747_Katherine_Youth_Justice_Reinvestment_Final_Report.pdf

Neville, S. (2019) *Olabud Doogethu Project Co-Design and Community Consultation and Inclusion Initiates*, Shire of Halls Creek, [online] Available at:
www.hallscreek.wa.gov.au/repository/libraries/id:21ai12hft1cxby8qvwzx/hierarchy/Olabud/Olabud%20Doogethu%20Co%20Design%20Report%20Online%20PDF.pdf

Payne, J and Fogarty, M (2019), *The ACT Justice Reinvestment Trial – A Process and Outcome Review of Yarrabi Bamirr at Winnunga*, Australian National University Centre for Social Research and Methods, [online] Available at:
www.cdn.justice.act.gov.au/resources/uploads/JACS/PDF/JREvaluation_Winnunga_18122019_ForWeb.pdf

PwC Indigenous Consulting (2015), *Consultation with Community of Potential for a Justice Reinvestment trial in Port Adelaide: Final Report*.

Schwartz, M., Brown, D. and Cunneen, C. (2017) *Justice Reinvestment*, Brief 21, Indigenous Justice Clearinghouse, Sydney.

Shire of Halls Creek (2019a) *Smart Justice in the Heart of the Kimberley*, [online] Available at: www.olabuddoogethu.org.au/wp-content/uploads/2020/12/prospectus-booklet-olabud_WEB.pdf

Shire of Halls Creek (2019b) *WA's First Justice Reinvestment Site: Olabud Doogethu*, [online] Available at:
www.hallscreek.wa.gov.au/repository/libraries/id:21ai12hft1cxby8qvwzx/hierarchy/Olabud/Olabud%20Doogethu%20Brief%20WA%27s%20First%20Justice%20Reinvestment%20Site.pdf

Sydney Policy Lab (2021) *The Maranguka Cross Sector Leadership Group*, University of Sydney.

Tucker, S. and Cadora, E. (2003) 'Justice Reinvestment', *Ideas for an Open Society*, Vol. 3(3), New York: Open Society Institute.

Appendix A: Program and interventions, barriers and enablers

Table 1 below shows the typical approaches that community-led JR projects have proposed and/or developed in Australia over the last 10-15 years. It is not meant to be prescriptive. Rather it reflects the priorities local communities have determined to be the most important points of intervention in reducing contact with the criminal legal system.

Table 1. PROGRAM AND INTERVENTION EXAMPLES, JR PROJECTS IN AUSTRALIA

Level	Focus	Program/Intervention example	Project
Early intervention/prevention	Education and employment	Developing local school policy and approach during Maranguka Education Employment and Training Community Summit to avoid and respond to suspensions. 'Our Place' in - school program for disengaged students.	Maranguka
		Careers centre, collaboration with Defence (around recruitment). Mibala Learning Country project: community members developing and teaching On Country Lecturing prog.	Olabud Doogethu
	Health	Increased early childhood development and health checks and mental health services	Olabud Doogethu Maranguka
		Local community mentors identified and trained to help prevent suicide	Olabud Doogethu
		Drug and alcohol awareness and harm minimisation facilitated by trained community members	Tiraapendi Wodli
	Families	Collaborative response across services, including police, to reduce repeat incidents of DV/FV	Maranguka

		Aboriginal Families Thrive Program: providing coordinated support for families with school aged children to address complex needs, improve stability and wellbeing in the home and access to services/information	Tiraapendi Wodli
		Yarrabi Bamirr: family centric support model, including for those at risk of (re) entry into criminal legal system.	ACT
	Young people	Youth Forum and Block Party led by local young people Saturday Night Youth program	Moree
		Oz Tag (sports) run by JRNSW Youth Ambassadors. Mounty Yarns: those with lived experience creating resources and advocating around the impact of the criminal legal system.	Mt Druitt
		Goal setting programs, youth leadership and employment programs. After hours safe house for temporarily displaced young people. Volunteer Elders taking youth to places of cultural significance	Olabud Doogethu
		Driver training and licensing (some focus on young people)	Maranguka Mt Druitt Tiraapendi Wodli

	Culture and 'community strengthening'	On Country cultural programs, yarning groups to identify and foster community leaders Men's Tribal Centre, males of all ages coming together on culturally significant land	Olabud Doogethu
		Local Aboriginal Heroes: sharing the stories Aboriginal community advocates: community leadership role in assisting community members to develop the skills and confidence to navigate and access services when and how they need them	Tiraapendi Wodli
CRIMINAL LEGAL SYSTEM	Policing	Warrants clinic: helping those with warrants navigate legal processes, reducing arrest/remand	Maranguka
		Bail reform: greater use of diversionary options and of more appropriate bail conditions	Moree Mt Druitt
		Cell Support: community volunteers supporting those in custody	Mt Druitt
		Bail Accommodation Transition service to reduce time in custody. Ngurrambai Bail Support Program: care plan for those applying for or granted bail, addressing housing, health, other needs	ACT
	Courts	Referral of young people attending Youth Koori Court to NDIS support/disability diagnosis	Moree

		In-court support for Aboriginal families attending Magistrates Court	Tiraapendi Wodli
	Community Supervision and Community Post-Release Support	On-Country supervision for young offenders	Olabud Doogethu Cherbourg Katherine
		Community-led post-release programs (information, support) to ensure culturally supported reconnection with community and family	Tiraapendi Wodli

TABLE 2: BARRIERS AND ENHANCERS TO JR PROJECT SUCCESS

Barriers
Community lacks access to information/ evidence on ‘what works’ for JR
Community does not have the resources and/or leadership to drive JR
Lack of access to meaningful local area data (criminalisation and other social indicators)
Problems of organisational support: insufficient, inconsistent or withdrawn too early
Absence of a backbone or similar organisation
Lack of sustainable funding, including by government through a reinvestment mechanism
Enablers
Sufficient community readiness to lead JR, determined through community-led and centred processes
Access and development of local area data meaningful to community as a basis for planning & review
Organisational support for start-up of projects
Ongoing support of a ‘backbone’ team for implementation of JR
Community leadership and participation throughout the life of a project
Presence and support of a JR peak body
Broader legislative or policy reform, informed by communities and assisted by peak bodies