

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Committee,

Value of a justice reinvestment approach to criminal justice in Australia

We are writing to you to bring to your attention the importance of justice reinvestment programs for not only the continued fight against family violence but also the broader way that this type of approach to the criminal justice system has real potential to assist the elevation of Aboriginal women out of situations of poverty.

Elizabeth Hoffman House Aboriginal Women's Service is an Aboriginal women's community controlled organisation. We are the state-wide peak body for Aboriginal women in Victoria and we primarily work with Aboriginal women who are experiencing homelessness, violence and housing crises. We also work with partners of Aboriginal men and mothers of Aboriginal children.

Aboriginal women, young Aboriginal females and Aboriginal children are more vulnerable and more likely to be victims of violence than any other section of Australian society.¹ We believe that many of the effects that these women experience are related to a lack of investment by government, both federal and state, in community programs of prevention and support before situations reach a crisis point. As such, our interest in submitting to this inquiry is to emphasise the importance of such programs instead of subjecting Aboriginal people to further institutionalisation and disenfranchisement. This type of prevention strategy, which is a whole of community approach rather than the crisis/individual approach, could have real and positive outcomes for our community and the levels of violence that our women experience.

Though we are a state-wide service, at the present we primarily provide services for Aboriginal women in north and west metropolitan Melbourne. Census data indicates that in this region there are just under 24 per cent of Victoria's entire Indigenous population and approximately 50 per cent of metropolitan Melbourne's Indigenous population. This means that in this region there is also a high level of family violence and also high levels of involvement with the criminal justice system, given the over-representation of Indigenous people in both areas.

The Australian Government's Productivity Commission report *Overcoming Indigenous Disadvantage 2011* report provides the latest figures about Indigenous people. It tells us that Indigenous females

¹ ILC (Indigenous Law Centre), 'Sexual Violence and Indigenous Victims', *Women, Children and the Criminal Justice System*, Research Brief no. 1, University of New South Wales, Sydney, 2010.

were hospitalised for non-fatal family violence assault at 31.4 times the rate for other females.² It also tells us the rates of hospitalisation for family violence have remained fairly constant.³ This indicates that current practices and approaches appear to have not altered the levels at which family violence results in hospitalisations and it could be inferred that this also shows us that the levels of experiences of family violence have not altered either.

For this reason, Elizabeth Hoffman House believes that revising our approaches of how we deal with family violence is necessary for change to occur. We believe that there needs to be more money invested in primary preventative approaches to family violence, which seek to prevent violence before it occurs through strategies focused on education and engagement. *Victoria's Action Plan to Address Violence Against Women and Children 2012-2015* states that "prevention is at the core of our Action Plan...[o]ur emphasis is on educating the community to change attitudes and behaviours that have allowed violence against women and children to continue."⁴ We believe that community programs, services and activities which are directed towards empowering women will help to address the underlying causes of crime in the Aboriginal community. We also believe that with 63 per cent of the Aboriginal population aged less than 30 years, educational and preventative programs which work with young Aboriginal people to look at relationships and violence are needed.

The Aboriginal and Torres Strait Islander Social Justice Commissioner's Report, *Ending Family Violence and Abuse in Aboriginal and Torres Strait Islander Communities: Key Issues* stated that "there is a consistent pattern indicating that incarcerated Indigenous women have been victims of assault and sexual assault at some time in their lives. Indigenous women are also significantly over represented as victims of violent crime."⁵ The interrelatedness of experiences of violence and the criminal justice system here is clear. The preventative approach to violence that Elizabeth Hoffman House is advocating for would assist women to disrupt this cycle. A justice reinvestment approach would see funding being redirected into programs which addressed the causes of violence and assisted women before they ended up incarcerated.

We would like to highlight to the Committee Article 22 (2) in the *United Nations Declaration on the Rights of Indigenous Peoples*:

2. States shall take measures, in conjunction with Indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.⁶

We believe that the justice reinvestment program is an opportunity to enact this principal, with the diversion of funding going towards the elimination of violence against women and children, rather than the incarceration and continued cycles of abuse, criminalisation and marginalisation.

² SCRGSP (Steering Committee for the Review of Government Service Provision), *Overcoming Indigenous Disadvantage: Key Indicators 2011*, Productivity Commission, Canberra, 2011, p. 4.124.

³ SCRGSP (Steering Committee for the Review of Government Service Provision), *Overcoming Indigenous Disadvantage: Key Indicators 2011*, Productivity Commission, Canberra, 2011, p. 4.124.

⁴ Department of Human Services, *Victoria's Action Plan to Address Violence Against Women and Children 2012-2015*, October 2012, p. 4.

⁵ Aboriginal and Torres Strait Islander Social Justice Commissioner, *Ending Family Violence and Abuse in Aboriginal and Torres Strait Islander Communities: Key Issues*, Human Rights and Equal Opportunity Commission, June 2006, p. 13.

⁶ *United Nations Declaration of the Rights of Indigenous Peoples* G.A. Res. 61/295, U.N. Doc. A/RES/47/1(2007).

Elizabeth Hoffman House would like to emphasise the importance of self-determination in any justice reinvestment strategy. In line with principles of self-determination and what we already know about community needing ownership in order for any programs to be effective, these need to be developed with the Aboriginal community and Aboriginal women from the outset, from strategic development to implementation and delivery.

In concluding, we would like to reiterate that there is a real opportunity here for the redistribution of funding into preventative services and programs to address the violence faced by Aboriginal women in Victoria. This would have an on-going effect of disrupting the cycles of criminalisation and violence experienced by Aboriginal communities. Therefore, the long-term potential for addressing the problem of violence within the Aboriginal community through initiatives such as justice reinvestment cannot be underestimated.

Yours sincerely,

Elizabeth Hoffman House Aboriginal Women's Services Inc