



## **Aboriginal and Torres Strait Islander People and Justice Reinvestment**

*“The ‘reinvestment’ needs to be into  
Aboriginal and Torres Strait Islander culture.”*

### **Discussion Paper**

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**Megan Williams, February 2012**

# **Aboriginal and Torres Strait Islander People and Justice Reinvestment**

## **Introduction**

These are discussion notes from a forum on Justice Reinvestment hosted by Project 10%. It was held on Jagera and Yuggerah country, in Brisbane in October 2011. Project 10% is an Aboriginal and Torres Strait Islander community-led campaign to reduce over-incarceration of Aboriginal and Torres Strait Islander people in Queensland.

This discussion paper provides unique information about the relevance of Justice Reinvestment in reducing imprisonment rates of Aboriginal and Torres Strait Islander people in Queensland. Project 10%'s forum is part of respecting the need to listen and talk with Aboriginal and Torres Strait Islander people and other stakeholders about 'what is Justice Reinvestment?' The forum was an opportunity to understand the cultural considerations to be taken into account if Justice Reinvestment was proposed and implemented in Queensland. Aboriginal and Torres Strait Islander people seek and expect leadership to determine processes for reducing prison rates. This will be of value to all people in Australia.

Twenty-five people attended Project 10%'s forum. Many were Aboriginal and Torres Strait Islander community members from greater-Brisbane, as well from a range of Aboriginal and Torres Strait Islander organisations, mainstream services and private enterprises. A small number of people also travelled from the Wide Bay area to join the forum. This discussion paper reflects opinions of those at the forum, and does not represent the views of all Aboriginal and Torres Strait Islander people in Queensland.

Our invited guest speaker on Justice Reinvestment was Melanie Schwartz, a lecturer in law at the University of New South Wales (UNSW). Melanie is also the Executive Officer of the Crime and Justice Reform Committee, a Chief Investigator on an Australia Research Council Linkage grant exploring the civil and family law needs of Aboriginal and Torres Strait Islander people in Australia, and a Research Associate to the Australian Prisons Project.

## **Background**

Queensland is very geographically and culturally diverse, perhaps more so than other parts of Australia. Our Aboriginal and Torres Strait Islander population is expected to keep growing and is predicted to be the biggest in Australia by 2020 (1). Aboriginal and Torres Strait Islander people are overall 4.5% of the total Queensland population, or about 150 000 people. Over 20 'discrete' communities also exist that are made up of a majority of Aboriginal and Torres Strait Islander people. Aboriginal and Torres Strait Islander people are more spread around Queensland compared to non-Indigenous people, with a higher population outside urban areas than most states and territories. Queensland includes the majority of Australia's Torres Strait Islander population (64%) (1).

The percentage of Aboriginal and Torres Strait Islander people in Queensland prisons is generally increasing every year (2) and is higher than the national average (2), even though

the crime rate has been dropping (3). Almost a third of all prisoners in Queensland are Aboriginal and Torres Strait Islander (29.5%) (2). Aboriginal and Torres Strait Islander people are around 12 times more likely than other Queenslanders to be in prison (4).

Prison is expensive to tax payers, and costly to victims and their families. It erodes the health and socio-economic status of individual prisoners, and their families and communities. This has lifelong repercussions. In recent years, the minimum cost per prisoner per day was at least \$276. Prisons and detention centres cost at least \$2.8 billion nationally (5, 6). The Queensland Government has committed additional major funds to increase prison beds, including \$485.6 million to the South Queensland Correctional Precinct development near Gatton, and the \$442.8 million expansion and redevelopment of Lotus Glen Correctional Centre in North Queensland, which has at least 70% Aboriginal and Torres Strait Islander people (7). The Queensland Police Service budget is around \$1.706 billion, and an additional \$1 million is allocated to expand Probation and Parole, despite little evidence that these work for Aboriginal and Torres Strait Islander people (3).

Cost-benefit analyses of the 'success' of prisons are rarely available. What we do know, however, is that almost two thirds (61.3%) of people who are released from prison in Queensland go back to prison - above the national average of 54.6% (2). The Royal Commission into Aboriginal Deaths in Custody report recommends prison as a last resort for Aboriginal and Torres Strait Islander people (8). In Queensland, spending on rehabilitation and prevention is not proportionate to spending on prisons, or to the level of support needed for people to live healthy, empowered lives in the community. Justice Reinvestment has been identified in the United States and United Kingdom as a successful strategy for both reducing prison numbers, and strengthening communities.

## **Justice Reinvestment - what is it?**

Justice Reinvestment is an economic strategy that has been used in parts of the United States and United Kingdom to reduce prison numbers. Justice Reinvestment is described by the Australian Human Rights Commission as:

*"...a criminal justice policy approach that diverts a portion of the funds spent on imprisonment to the local communities where there is a high concentration of offenders. The money that would have been spent on imprisonment is reinvested in programs and services that address the underlying causes of crime in these communities. It is not just about tinkering around the edges of the justice system – it is about trying to prevent people from getting there in the first place.*

*Justice reinvestment retains detention as a measure of last resort for dangerous and serious offenders, but actively shifts the culture away from imprisonment."* (9)

Justice Reinvestment is made up of the following important steps:

1. Collection and analysis of data on imprisonment;
2. Development of consensus-based policy options for reducing spending on correctional services, and reinvesting funds into strategies to reduce imprisonment;

3. Implementation of new policies and programs; and
4. Measurement of performance and success of these strategies.

For more information, a Justice Reinvestment Facts Sheet is available from the Crime and Justice Reform Committee at: <http://www.crimeandjustice.org.au/?q=node/13>

## **Aims of Project 10%'s forum**

Given that Justice Reinvestment is a western-science economic strategy, Project 10% sought to discuss its applicability to Aboriginal and Torres Strait Islander cultures. This also created an opportunity to gauge Aboriginal and Torres Strait Islander peoples' responses to information on Justice Reinvestment.

Project 10%'s Justice Reinvestment forum was to:

### **1. Share information:**

- Develop greater awareness and understanding of Justice Reinvestment;
- Provide information, up-dates and links to more information; and
- Hear experiences and opinions of Aboriginal and Torres Strait Islander people.

### **2. Instigate proper process:**

- The UN Declaration on the Rights of Indigenous Peoples 2006 asserts that when policies, laws or activities are made that affect Indigenous people, Governments should seek their free, prior and informed consent (11).
- Aboriginal and Torres Strait Islander leadership in all levels of decision making and policy and program implementation is key to reducing imprisonment.
- Indigenous people have the right to strengthen traditional culture and knowledge; it is culture and cultural connections that defines who Aboriginal and Torres Strait Islander people are and how things should be done. This is fundamental to successful implementation of Justice Reinvestment.
- For at least the last ten years in legislation and policy, the Queensland Government has committed to reducing rates of Aboriginal and Torres Strait Islander imprisonment and reimprisonment (12). Rates have however continued to rise. Government has clearly not met promises made to the voting public. Accountability must be demonstrated by the Queensland Government, and it should be continually demanded by stakeholders in the criminal justice system.

### **3. Think ahead:**

- Raise awareness among supporters of Justice Reinvestment about the attitudes, values and beliefs held by Aboriginal and Torres Strait Islander people such as family, community and cultural connectedness.
- Identify community strengths that may influence implementation of Justice Reinvestment.
- Build capacity of future generations to shape policies and strategies for reducing imprisonment of Aboriginal and Torres Strait Islander people.

Justice Reinvestment is a relatively new concept not yet fully critiqued or trialled in Australia. The Project 10% forum was an opportunity to gather views and inform debate.

## **Process of the forum**

The idea of the Justice Reinvestment forum emerged from discussions among the Project 10% Working Group and Board, informed by our listening, talking, work and research on criminal justice issues. Forum details were developed and an invitation flyer was emailed through Aboriginal and Torres Strait Islander community networks. Phone calls and in-person invitations were also given. While we sought to have as many people as possible to attend, we also wanted to ‘make a start’ on group discussions, with a view to hosting more forums in the future. The development and arrangements of the forum reflected the values outlined in the Australian Institute for Aboriginal and Torres Strait Islander Studies protocols (13), and the National Health and Medical Research Council’s guidelines for Aboriginal and Torres Strait Islander health research. All who attended voluntarily signed a consent form, agreeing that things they said could be shared in this discussion paper, without identifying them personally.

A majority of people who attended the forum were Aboriginal and Torres Strait Islander people. Attendees introduced themselves and where they were from. An overview and critique of Justice Reinvestment was provided, with time for questions. Two groups were then formed, to discuss a scenario about Justice Reinvestment being implemented in the area they lived in. A group facilitator asked several questions of the group members about their responses to the scenario. Questions included ‘Who in Aboriginal and Torres Strait Islander communities are best placed to be involved in Justice Reinvestment processes?’, ‘What information should be provided about Justice Reinvestment?’ and ‘What cultural protocols should be respected?’ Answers to these questions are reported below. Direct quotes of things people said are included in italics.

The forum concluded with a large group discussion about ‘Where to from here?’ Participants agreed that more forums should be held around Queensland following a similar format. This would help provide information, and seek Aboriginal and Torres Strait Islander community guidance to inform any future Justice Reinvestment processes. The group agreed it was appropriate for Project 10% to coordinate action toward future forums, and be involved in other discussions on Justice Reinvestment around Australia.

## **Group discussion findings**

Discussions throughout Project 10%’s forum covered:

1. Opinions about implementation of Justice Reinvestment in Australia and among Aboriginal and Torres Strait Islander communities;
2. Concerns about Justice Reinvestment specific to Aboriginal and Torres Strait Islander people;

3. Questions about Justice Reinvestment processes and leadership;
4. Assertions to make to those who lead Justice Reinvestment about Aboriginal and Torres Strait Islander culture and perspectives;
5. Processes recommended to those who lead Justice Reinvestment, particularly for inclusion of Aboriginal and Torres Strait Islander leadership and perspectives; and
6. Next steps in discussions on Justice Reinvestment.

These are discussed in more detail below.

### **1. Opinions about Justice Reinvestment**

Forum participants overall thought that further consideration should be given to trialling Justice Reinvestment in Australia. Justice Reinvestment was seen as a new opportunity to gain attention and action from governments.

*“Governments have not responded to rising prison rates based on the moral imperative to do so. Many of the human rights issues are overlooked by governments but ‘money’ and savings might re-direct positive attention to the issues.”*

- The major ‘selling point’ of Justice Reinvestment to the general community is ‘money savings’ for governments.
- A shift from arguing to reduce imprisonment of Aboriginal and Torres Strait Islander people from a human rights point of view to being about economic good-sense and saving money is unfortunate, but necessary.
- Justice Reinvestment processes are opportunities to bring Aboriginal and Torres Strait Islander voices into discussions *“...on what will work to reduce prison rates and stop people returning to prison, especially culturally bound solutions that communities understand will work.”*
- The strategies, processes and ideas required for reducing Aboriginal and Torres Strait Islander imprisonment rates are already reasonably well identified. Under-resourcing has meant these strategies have not been implemented, or implemented with sustainability. Justice Reinvestment could result in some of these strategies being used in local areas where they are most relevant.

*“It seems logical to invest in people in communities rather than in ineffective, harmful prisons.”*

### **2. Concerns about Justice Reinvestment**

Concerns about Justice Reinvestment in the Australian context have already been raised, such as by the Indigenous Social Justice Association (10). These concerns were put forward at Project 10%’s forum and discussed. Views of forum participants included:

### **The risk of hollow promises:**

- Aboriginal and Torres Strait Islander communities need to be able to trust Justice Reinvestment. This includes understanding it better, knowing real ways to support it, and having key roles in implementation. Resources will be required for this to happen.
- A great many needs of Aboriginal and Torres Strait Islander people in the criminal justice system have already been identified, and for decades in Australia. Scepticism exists about why processes of Justice Reinvestment might fix problems that governments have failed at fixing for so long.

*“These needs have been discussed and fought for over 30 to 40 years already.”*

*“Justice Reinvestment needs to be NEW – not to fail or be ignored, it needs to be big.”*

- Justice Reinvestment needs to be understood as something new – a different approach to those taken in the past.
- Strategies implemented without Aboriginal and Torres Strait Islander leadership regularly fail.

*“This will take time and good leadership – does this leadership exist?”*

### **Lack of funds now, in the criminal justice system and in communities:**

- Concern was expressed about the risk of Justice Reinvestment resulting in funds and resources being moved away from communities, with the promise made for funds to be reinvested, but at the risk that this might not occur. Assurance needs to be firm that reinvestment will in reality occur, and in a timely and appropriate way.

*“It must be all set in concrete to be able to proceed positively.”*

- Justice Reinvestment might not be needed if resources were increased, and holistic responses were developed to issues already identified.
  - Success stories, evidence and best practice from around the world highlight how prison numbers can be reduced.
  - Adequate funding directed to support services in the criminal justice system and in communities may instead reduce prison numbers, and alleviate some of the traumas and costs experienced by individuals and communities.
- Many gaps in research and evidence persist in relation to Aboriginal and Torres Strait Islander people’s experiences of the criminal justice system. Impacts of incarceration on Aboriginal and Torres Strait Islander families and communities must be better understood, and from Aboriginal and Torres Strait Islander people’s perspectives. This is crucial to prioritise where and when Justice Reinvestment is implemented.

### **Who monitors Justice Reinvestment?**

- Aboriginal and Torres Strait Islander leaders, service providers and community members must be involved in interpreting success and failure of Justice Reinvestment, in real terms as well as through statistical and economic evidence.

*“How is success of Justice Reinvestment going to be measured, and who says when it has worked?”*

- Justice Reinvestment needs to be monitored by Aboriginal and Torres Strait Islander people:

*“...from start to finish, the whole cycle.”*

*“Evaluation needs to occur all along the way and action taken for changes, otherwise Justice Reinvestment will fail.”*

**Targeting criminal offending rather than addressing underlying issues:**

- High rates of incarceration of Aboriginal and Torres Strait Islander people have occurred since application of British law at the time of colonisation. Dispossession and disempowerment is still experienced and affects generations of Aboriginal and Torres Strait Islander people.
- Aboriginal and Torres Strait Islander people continue to experience racism, low status in the general community and lack of political representation.
- Aboriginal and Torres Strait Islander people generally experience greater poverty, lower employment and lower western education compared to others in Australia.
- Aboriginal and Torres Strait Islander people experience ongoing over-policing. Police forces are still inadequately trained or experienced in cultural sensitivity, and they themselves exist in a culture that has been widely criticised for its brutality and lack of accountability.

*“These are the real, underlying issues to address, to reducing over-representation of our people in prisons.”*

- Governments should commit to addressing systemic racism and social exclusion of Aboriginal and Torres Strait Islander people more generally, rather than concentrating efforts to implement Justice Reinvestment only in selected communities.
- Justice Reinvestment risks narrowing its focus to communities who are already struggling, rather than improving the way mainstream Australia, and its social policies and legal system relate with Aboriginal and Torres Strait Islander people.
- Aboriginal and Torres Strait Islander people in prisons experience multiple layers of disadvantage and intergenerational trauma. Strong cultural support and healing is urgently required. This is possible through Justice Reinvestment, but only so long as Aboriginal and Torres Strait Islander people are part of the decision making processes and shaping the strategies that are chosen and implemented.
- Many Aboriginal and Torres Strait Islander people in prisons experience poor mental health, trauma, alcohol and drug related harm, and multiple physical health conditions. These health issues should be resolved within the health system, rather than minimised to one of the many responsibilities of punitive correctional centres.
- Justice Reinvestment needs to be holistic to tackle all the issues experienced by Aboriginal and Torres Strait Islander people already in prison, rather than focussing only on preventing incarceration.



### **3. Questions about Justice Reinvestment**

Forum participants were asked, “**What would you want to know and find out about Justice Reinvestment?**” Their responses and further questions included:

*“What is the likelihood that short and long term programs can be invested in?”*

*“How long is long term for Justice Reinvestment?”*

*“How will re-investment money be focused? If Aboriginal and Torres Strait Islander people are 25% of the people in prisons, do we get 25% of the funds?”*

*“Who makes decisions on what funds go where?”*

- The ‘Action Groups’ to lead Justice Reinvestment processes, as identified in international literature, are not well understood:

*“Who selects them, and has control over their makeup and processes? Aboriginal and Torres Strait Islander people need to be in a position of leadership.”*

- Much more discussion is obviously needed about Australian and Aboriginal and Torres Strait Islander communities in which Justice Reinvestment may be most beneficial.
- The vast difference between communities, especially those in remote compared to urban areas will demand that all the components of Justice Reinvestment will differ.
- Aboriginal and Torres Strait Islander leadership for defining roles, relationships and partnerships in Justice Reinvestment is required:

*“Who will be consulted, how and when?”*

*“Who else should be involved in Justice Reinvestment, for our First Peoples?”*

*“Who will oversee cultural protocols of engagement?”*

### **4. Aboriginal and Torres Strait Islander cultural leadership**

Forum participants were also asked, “**What Aboriginal and Torres Strait Islander cultural values would you assert if Justice Reinvestment was progressed?**” Responses are summarised or quoted below:

*“The ‘reinvestment’ needs to be into Aboriginal and Torres Strait Islander culture.”*

- Aboriginal and Torres Strait Islander culture is the worldview, identity and primary determinant of health and wellbeing of Aboriginal and Torres Strait Islander people.

*“Justice Reinvestment must include ways to value to Aboriginal and Torres Strait Islander Law, to honour spirituality and respect kinship and country connections. This is the critical preamble for ‘justice’ to be done as part of Justice Reinvestment.”*

- Cultural dimensions of Justice Reinvestment need to be monitored by Aboriginal and Torres Strait Islander people.

*“History needs to be part of any preamble to what we do. Solutions must address history, including the causes of cultural, economic, social, physical and emotional disadvantage, not just the symptoms.”*

*“Economic development is impossible without redressing land ownership and sovereignty.”*

- Overarching Terms of Reference for Justice Reinvestment should be inclusive of and relevant to all Aboriginal and Torres Strait Islander people, while ensuring that issues, ownership and resourcing of solutions and access to resources are locally determined.

*“Faith and trust must be invested in local communities as experts in their own culture and solutions.”*

### **What Aboriginal and Torres Strait Islander cultural protocols should be in place, if Justice Reinvestment for First Peoples is progressed?**

- Aboriginal and Torres Strait Islander cultures provide the essence of, and answers for, how people and communities can strengthen, heal and relate well with others in Australia.
- Aboriginal and Torres Strait Islander communities want to take leadership and ownership of Justice Reinvestment processes.
- Broad-based Aboriginal and Torres Strait Islander cultural leadership is an imperative, because it can better reflect local cultures, histories, needs and strengths.

*“We seek to come together with our knowledge, expertise and influential positions, and be involved in any discussions on Justice Reinvestment. We have our lawyers, magistrates and researchers to take leadership roles in addition to cultural and community leaders and other service providers and peak representative bodies. This leadership must be heard and taken seriously, and respected alongside other leaders and stakeholders, and not being ‘selected in’, to ‘tick a box’, rubber stamping decisions or ending up invisible.”*

*“The approach needs to be full-on, intensive and right across all aspects of communities, to get whole communities involved and active.”*

- Current research and service delivery wisdom of Aboriginal and Torres Strait Islander people provides excellent insights into some strategies Aboriginal and Torres Strait Islander already use, and see as useful in supporting people in contact with the criminal justice system.

- Men’s and Women’s groups, Community Justice Groups and Community Controlled Health Services are structures already led by Aboriginal and Torres Strait Islander people; these should be represented in any developments towards Justice Reinvestment.
- Justice Reinvestment is designed to allow place-based voices to be heard and decisions made. However,
  - Current 'consultation' by Government often occurs through one-off meetings scheduled in a limited number of locations, or talks with 'peak groups' and individuals with mainstream public profiles.
  - Policy is too heavily determined by public servants, including some Aboriginal and Torres Strait Islander staff, who are not representative of and do not understand the local communities affected by policies.
- Aboriginal and Torres Strait Islander cultural protocols generally assert that each community needs to identify the processes, places and solutions to health and social issues.
- Justice Reinvestment must include reform to related structures in society such as the education system, given that early interruption to schooling is a contributing factor to low socioeconomic status and risk of crime. Successful reform means:

*“...better reflecting Aboriginal and Torres Strait Islander cultural ways of relating and doing business.”*

- Government needs to reduce its intervention in some areas of Aboriginal and Torres Strait Islander people’s lives and communities. History has repeatedly shown that poorly developed government intervention contributes to systemic and social problems, such as child removal, assimilation, destruction of sites of cultural significance, and lack of investment in language and culture preservation.
- Loss of Aboriginal and Torres Strait Islander cultural leadership is also being seen through funding and tendering processes that appear to favour large mainstream organisations, which often lack culturally safe or sustained engagement with Aboriginal and Torres Strait Islander communities.

## **5. Processes for Aboriginal and Torres Strait Islander leadership**

Forum participants were asked to think about **“What should the role of Aboriginal and Torres Strait Islander communities, leaders, individuals and next generation be in Justice Reinvestment?”** Responses were:

- For effective and sustainable change, Aboriginal and Torres Strait Islander people need to be in a position of leadership, even when selecting those who are to be involved in Justice Reinvestment.
  - This includes being part of a leadership or coordinating council that make decisions about the Justice Reinvestment processes, stakeholders, programs and evaluation.
- Aboriginal and Torres Strait Islander people need to be part of the decision making that selects which communities Justice Reinvestment occurs in, and which stakeholders are involved.

*“With communities, stakeholders should consider what the unintended negative consequences might be.”*

- One way forward might be to move Aboriginal and Torres Strait Islander people to being in a position of operating correctional centres; a small number of examples of these arrangements are available from Indigenous communities around the world. More discussion and research is required.

**Aboriginal and Torres Strait Islander involvement should occur at every stage of Justice Reinvestment development and implementation:**

- Some good examples are available of Aboriginal and Torres Strait Islander community partnerships with mainstream health and human service organisations. These should be better understood and promoted to guide future service delivery and Justice Reinvestment strategies.
- Aboriginal and Torres Strait Islander involvement is crucial in determining what is 'evidence-based' practice, including whose questions are asked in gathering evidence, who analyses data, where material is published and how it is available to communities.
- There is a need for Aboriginal and Torres Strait Islander people to research and promote what is happening successfully now, and harness the skills and leadership of people making such important contributions.
- It is also necessary to support accreditation where it is missing, to develop a process to document, accredit, train and evaluate programs, in accordance with Aboriginal and Torres Strait Islander protocols.

*“No programs should be delivered without Aboriginal and Torres Strait Islander facilitation. Currently there are some culturally inappropriate practices, such as young non-Indigenous females facilitating Aboriginal and Torres Strait Islander men's programs.”*

*“Programs led by Aboriginal and Torres Strait Islander facilitators provide a link to and from community, are culture-based, with family and collective healing not individualistic, and are more likely to be followed up in community.”*

**Strengthen the role of Elders and the next generation:**

- The role of Elders in their communities needs to be better understood and supported, so that cultural knowledge can continue to be passed on.
  - This includes giving Elders financial and other support for leading and attending ceremonies and meetings, and having input into community planning processes.
  - Elders must also be supported in skilling the next generation of people who they see as having a leadership role.
- Elders already have a crucial information-giving, leadership and support role in the criminal justice system. This needs to be enhanced.
- In terms of capacity building and workforce development, there is a need for more Aboriginal and Torres Strait Islander specific Units and staff in correctional centres, to at least reflect Aboriginal and Torres Strait Islander population proportions, and at best be

proportionate to the number of Aboriginal and Torres Strait Islander men and women held in each correctional centre.

*“Need a mob in the prisons to oversee it all.”*

- More post-prison release services are needed, to prepare and support individuals, as well as their families:
  - for the many challenges of exiting an institution;
  - for establishing healthy community living; and
  - preventing re-incarceration.
- Respectful partnerships between Aboriginal and Torres Strait Islander informal groups and formal organisations can be established with larger, mainstream organisations. Case studies are required to identify good examples.

*“Many speak with enthusiasm and vision to build on community strengths.”*

## **6. Next steps**

### **Suggested actions identified by forum participants included to:**

- Identify discussions and actions occurring throughout Australia on Justice Reinvestment.
- Keep up to date about who to lobby – including, but not limited to:
  - Members of Parliament
  - Chief Executives Officers and Board Directors of Aboriginal and Torres Strait Islander and non-Indigenous organisations
  - Champions of other Aboriginal and Torres Strait Islander issues
  - Peak bodies across Australia
  - Government advisory and leadership groups
  - Research groups.
- Lobby government and influential groups and individuals to include diverse Aboriginal and Torres Strait Islander leadership from the outset of any planned Justice Reinvestment process.
- Identify available funds to support lobbying.
- Encourage individuals and services to share information about Justice Reinvestment among professional, work, family and cultural networks.
- Meet with more Aboriginal and Torres Strait Islander communities and other community groups to discuss Justice Reinvestment.
- Analyse current data to identify highest-need areas and prioritise target areas, to inform lobbying and decision making.

### **Recommendations for supportive structures:**

- Form a Reference Group from Aboriginal and Torres Strait Islander forum participants and Project 10%, to lead with lobbying, information sharing and research, at least in the south-east Queensland context.

*“Any 'peak body' must have community-level Aboriginal and Torres Strait Islander ownership and voice.”*

- Identify and form other local-area Reference Groups or chapters linked to Justice Reinvestment to give cultural authorisation and advice on who to speak to in communities, and to spread information around.
- A networked system could involve Reference Groups, local Justice Reinvestment chapters, Project 10% and universities - all lobbying for a bi-partisan approach.
- Lobby universities as possible partners to provide research support, advice and involvement, following clear protocols to maintain and strengthen community leadership and ownership.

## **Conclusion**

Project 10%'s Justice Reinvestment forum was valuable for sharing information, concerns and ideas. This discussion paper is designed to be distributed widely, to inform debate about Justice Reinvestment. Forum participants advocated the important role of Aboriginal and Torres Strait Islander people in development and implementation of Justice Reinvestment in Australia. Leadership by and involvement of Aboriginal and Torres Strait Islander Elders and community-identified leaders should occur at all stages and levels of Justice Reinvestment. Chances of success in Justice Reinvestment will be greater if existing strategies supported by Aboriginal and Torres Strait Islander people at local levels are invested in, with respect for what Aboriginal and Torres Strait Islander people see as 'what works'. None of this is new news! However, the ongoing high rates of Aboriginal and Torres Strait Islander incarceration pose extreme risks to the health and survival of individuals, families and communities. It is without doubt that any opportunities to reduce Aboriginal and Torres Strait Islander prison numbers, such as Justice Reinvestment, should be urgently considered. However, to do so without active Aboriginal and Torres Strait Islander leadership and community involvement could result in a worsening situation.

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## References:

1. ABS (2010) *Population Characteristics, Aboriginal and Torres Strait Islander Australians 2006*, Cat. No. 4713.0 ABS, Canberra. Available at: <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/1B40E5C07AF557C9CA257718002A70EC?openDocument>
2. Australian Bureau of Statistics (ABS) (2010) *Prisoners in Australia*, Cat. No. 4517.0, ABS, Canberra. Available at: <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4517.02010?OpenDocument>
3. Queensland Police Service (2009) *Annual Statistical Review 2008–09*, Queensland Police Service, Brisbane.
4. Office of Economic and Statistical Research (2010) *Information Brief: Prisoners in Queensland*, ABS Cat. No. 4517.0, Queensland Government, Brisbane.
5. Steering Committee for the Review of Government Service Provision (2010) *Report on Government Services 2010*, Chapter 8, Australian Government Productivity Commission, Canberra. Available at: [http://www.pc.gov.au/\\_\\_data/assets/pdf\\_file/0008/93932/28-chapter8.pdf](http://www.pc.gov.au/__data/assets/pdf_file/0008/93932/28-chapter8.pdf)
6. Steering Committee for the Review of Government Service Provision (2009) *Report on Government Services 2009*, Australian Government Productivity Commission, Canberra.
7. Department of Community Safety (2010) *State Budget 2010-2011 Agency Budget Highlights*, Department of Community Safety, Queensland Government, Brisbane.
8. Royal Commission into Aboriginal Deaths in Custody (RCIADC) (1991), *National Report Volumes 1-5*, Australian Government Publishing Service, Canberra.
9. Legal and Constitutional Affairs Reference Committee (2009) *Access to Justice*, page 108, Commonwealth of Australia, Canberra. Available at: [http://www.aph.gov.au/senate/committee/legcon\\_ctte/access\\_to\\_justice/report/report.pdf](http://www.aph.gov.au/senate/committee/legcon_ctte/access_to_justice/report/report.pdf)
10. Jackson, R. (2011) Email communication, as President of Indigenous Social Justice Association, September 27, 2011.
11. United Nations (2008) *United National Declaration on the Rights of Indigenous Peoples*, United Nations General Assembly, New York.
12. Department of Communities (2011) *Just Futures 2012-2015*, Queensland Government, Brisbane.
13. Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS) (2011) (2<sup>nd</sup> edn) *Guidelines for Ethical Research in Australian Indigenous Studies*, AIATSIS, Canberra.
14. National Health and Medical Research Council (2003) *Values and Ethics: Guidelines for Ethical Conduct in Aboriginal and Torres Strait Islander Health Research*, Commonwealth of Australia, Canberra.