

# Chapter 1

## Referral of the inquiry

1.1 On 26 November 2012, the Senate referred to the Legal and Constitutional Affairs References Committee the matter of the value of a justice reinvestment approach to criminal justice in Australia for inquiry and report by 16 May 2013. The Senate subsequently agreed to extend the reporting date for the inquiry to 20 June 2013.<sup>1</sup>

1.2 The terms of reference for the inquiry were:

- a) the drivers behind the past 30 years of growth in the Australian imprisonment rate;
- b) the economic and social costs of imprisonment;
- c) the over-representation of disadvantaged groups within Australian prisons, including Aboriginal and Torres Strait Islander peoples and people experiencing mental ill-health, cognitive disability and hearing loss;
- d) the cost, availability and effectiveness of alternatives to imprisonment, including prevention, early intervention, diversionary and rehabilitation measures;
- e) the methodology and objectives of justice reinvestment;
- f) the benefits of, and challenges to, implementing a justice reinvestment approach in Australia;
- g) the collection, availability and sharing of data necessary to implement a justice reinvestment approach;
- h) the implementation and effectiveness of justice reinvestment in other countries, including the United States of America;
- i) the scope for federal government action which would encourage the adoption of justice reinvestment policies by state and territory governments; and
- j) any other related matters.

## Conduct of the inquiry

1.3 The committee wrote to 307 organisations and individuals, as well as the Commonwealth and state and territory governments, inviting submissions by 15 March 2013. Details of the inquiry were also placed on the committee's website at [www.aph.gov.au/senate\\_legalcon](http://www.aph.gov.au/senate_legalcon)

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1 *Journals of the Senate*, 26 November 2012, pp 3394–95; *Journals of the Senate*, 26 February 2013, p. 3659.

1.4 The committee received 131 submissions, and all public submissions were made available on the committee's website. A list of submissions to the inquiry is at Appendix 1. The committee held public hearings in Perth on 17 April 2013, Sydney on 1 May 2013 and Canberra on 17 May 2013. A list of witnesses who appeared at the hearings is at Appendix 2, and copies of the *Hansard* transcript are available through the committee's website.

### **Acknowledgement**

1.5 The committee thanks those organisations and individuals who made submissions and gave evidence at the public hearings.

### **Structure of the report**

1.6 This report is divided into eight chapters:

- Chapter 2 examines the drivers behind the past 30 years of growth in the Australian imprisonment rate;
- Chapter 3 canvasses the economic and social costs of imprisonment;
- Chapter 4 canvasses the over-representation of disadvantaged groups within Australian prisons;
- Chapter 5 explores the methodology and objectives of justice reinvestment as well the implementation of justice reinvestment in overseas jurisdictions;
- Chapter 6 canvasses the benefits of a justice reinvestment approach for Australia;
- Chapter 7 examines the challenges to implementing a justice reinvestment approach in Australia; and
- Chapter 8 identifies mechanisms to implement justice reinvestment in Australia.