

JUSTICE REINVESTMENT NETWORK AUSTRALIA: SUBMISSION TO THE AUSTRALIAN LABOUR PARTY

Justice Reinvestment Network Australia (JRNA) is a group of research and policy colleagues interested in the area of Justice Reinvestment and other alternatives to incarceration, particularly for Aboriginal and Torres Strait Islander Australians, given their high rate of over-representation. We have conferred, since 2015, to share knowledge and to create a community of practice around Justice Reinvestment.

We note that the Australian Labor Party (ALP) has made a number of pledges in relation to JR as part of its platform for addressing the over-representation of Indigenous Australians in incarceration, namely -

The Labor party pledges the first meeting of the Council of Australian Governments (COAG) convened under a Shorten Labour Government will consider priorities for justice targets to be included under the Closing the Gap framework that build safer communities and address levels of Indigenous incarceration.

Following this meeting COAG will establish a Working Group of State, Territory and Local Government agencies, as well as key community organisations, to develop measurable targets that address rising incarceration rates and build safer communities. This would focus national attention on closing the gap in these areas alongside, and complement existing targets in education, employment, the early years, life expectancy and mortality.

Labor will establish three new launch sites in a major city, regional town and remote community that building on existing community-led initiatives to explore the role of justice reinvestment in preventing crime and reducing incarceration. These sites would be identified by working with State and Territory Governments.

Labor would resource a long term study of the effectiveness of the justice reinvestment project currently underway in Bourke (Maranguka Justice Reinvestment Project) to see what Australian can learn from this specific initiative.

The Labor party pledges that it will, through COAG, establish a national co-ordinating body to build the evidence base, collect data and measure progress as new targets are implemented and to monitor the effectiveness of Justice Reinvestment in the Australian context.

Australian Law Reform Commission Inquiry

Four members of JRNA, Dr Jill Guthrie, Ms Fiona Allison, Ms Melanie Swartz and Professor Chris Cunneen, provided a submission in September 2017 to the Australian Law Reform Commission (ALRC) inquiry into the incarceration rate of Aboriginal and Torres Strait Islander peoples. Other members of JRNA, including Just Reinvest NSW, made separate submissions broadly aligning with that of JRNA set out below. We note that the Committee provided its report *Pathways to Justice – An Inquiry into the Incarceration Rates of Aboriginal and Torres Strait Islander and Torres Strait*

Islander Peoples to the Attorney-General on 22 December 2017, that the report was tabled in Parliament on 28 March 2018, and that a response from the Government is expected in the first quarter of 2018.

In our submission we made a number of recommendations which we believe align well with the Labor Party's platform, namely -

- 1. Enact uniform Commonwealth and State legislation to establish an Australian JR Authority that has a mandate to implement and evaluate JR policy.**

Rationale: Good intentions and 'in-principle agreements' are vulnerable to change, which limits their capacity to affect lasting impact. We propose that an adequately funded body is required to progress a national JR reform agenda in Australia. A similar model has been successfully implemented in the US through the Council of State Governments for state-level initiatives and the Center for Effective Public Policy for local level Justice Reinvestment. The statutory Authority should be overseen by a governing Board that includes community members; incorporating, importantly, Indigenous and consumer representation. This Authority might be drawn from or be constituted by the national network of JR experts and those working with JR, described above. Its functions could include data collection and analysis; economic cost-benefit analysis; justice mapping; testing JR methodological approaches, including where those approaches are informed by local community partnerships; and the formulation of options for JR initiatives to address the particular underlying causes of crime identified in focus sites.

Furthermore, as JR touches on human rights issues with greatest potential benefit for Indigenous Australians, the Commonwealth should consider whether it may enact legislation relying on the race power or the external affairs power, which permits the Commonwealth to implement treaties such as the *International Convention on the Elimination of All Forms of Racial Discrimination*.

- 2. Allocate adequate 'start-up' funding to establish the Authority.**

Rationale: We propose that a national JR reform program be funded in line with similar initiatives and that adequate 'start-up' funding is allocated to establish and stabilise the Authority. An indicative period of three years could see results emanating from the aforementioned suggested activities for the Authority.

Conclusion

The policy positions or approaches set out in the submission to the ALRC (see also Recommendation 4-1 of the ALRC report) are supported by members of JRNA (those listed below). These members are pleased to see Labor advocating for advancement of further JR projects in Australia as mechanisms designed to reduce Indigenous over-representation, and for a more formal structure and evaluation processes to support JR work. We would welcome the opportunity to discuss our position on the above and other aspects of JR in Australia with

relevant Labor representatives, including at a meeting with Shadow Attorney-General Dreyfus and/or Senator Dodson.

Yours sincerely,

Members of the JRNA (as listed below)

DATED: 6 April 2018

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Change the Record

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