



28<sup>th</sup> October 2016

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Kingston  
ACT 2604

By email: [ChildDetentionNT@royalcommission.gov.au](mailto:ChildDetentionNT@royalcommission.gov.au)

To The Honourable Margaret White AO and Mr Michael Gooda,

**Just Reinvest NSW Submission to The Royal Commission into the Protection and Detention of Children in the Northern Territory**

I write to you on behalf of Just Reinvest NSW in relation to The Royal Commission into the Protection and Detention of Children in the Northern Territory.

Just Reinvest NSW is an independent, non-profit, membership-based, incorporated association auspiced by the Aboriginal Legal Service NSW/ACT. Just Reinvest NSW consists of a coalition of more than twenty [organisations](#) and individuals from New South Wales to address the significant over-representations of Aboriginal young people in custody through a [Justice Reinvestment](#) approach. Our current membership, Executive Committee and some of our Champions are listed in Appendix A.

Just Reinvest's key message to the government and the community is that there is a solution; a smarter approach that will reduce crime and create safer, stronger communities. For more information on justice reinvestment please refer to Appendix B. Please also see our policy document, *Creating a Just NSW*, and our operational plan attached.

In 2013, Just Reinvest NSW began a partnership with the Bourke community to implement the first major [justice reinvestment trial](#) in Australia, the Maranguka Justice Reinvestment Project. Attached is a Briefing Document on the progress of the Maranguka Justice Reinvestment Project. Also attached is KPMG's Preliminary Assessment of the Maranguka Justice Reinvestment Project, which details the project up until June of this year.

To learn more about Just Reinvest NSW and the Maranguka Justice Reinvestment Project please refer to our website, [www.justreinvest.org.au](http://www.justreinvest.org.au).

Given our experience and expertise, in this submission we have focused solely on providing information on justice reinvestment as a framework that would better respond to the current child protection and youth detention systems in place in Aboriginal communities in the Northern Territory that are experiencing high levels of incarceration and high rates of recidivism.

Just Reinvest NSW thanks you for the opportunity to comment and would welcome the opportunity to provide further information to the Royal Commission if required. Questions may be directed to [info@justreinvest.org.au](mailto:info@justreinvest.org.au).

Yours faithfully,  
Sarah Hopkins  
Chairperson  
Just Reinvest NSW

## **APPENDIX A**

### **Just Reinvest NSW Executive Committee**

Sarah Hopkins, Chairperson  
Gino Vumbacca, Treasurer  
Tiffany McComsey, Secretary  
Brad Freeburn, Ordinary Member  
Kerry Graham, Ordinary Member  
Jane Powles, Ordinary Member

### **Just Reinvest NSW Members**

Aboriginal Education Council (NSW) Inc  
AbSec  
Amnesty International  
ANTaR  
Ashurst  
Community Legal Centres NSW  
Gilbert + Tobin  
Herbert Smith Freehills  
Kingsford Legal Centre  
Lifestyle Solutions  
MTC Australia Ltd  
NSW Reconciliation Council  
Public Interest Advocacy Centre  
Red Cross  
Shopfront Youth Legal Service  
Show Me the Way  
Uniting Care NSW ACT  
Weave  
Whitelion  
Youth Action  
Youth Justice Coalition

### **Just Reinvest NSW Champions**

Commissioner Megan Mitchell  
Dr Tom Calma AO  
His Excellency General The Honourable  
David Hurley AC DSC (Ret'd)  
Professor Dame Marie R Bashir AD CVO  
Secretary General Salil Shetty  
Mr Bob Debus AM  
Professor Mick Dodson AM  
The Hon. Michael Kirby AC CMG  
Ms Marcia Ella Duncan  
Mr Jack Manning Bancroft  
Professor Chris Cunneen  
Keenan Mundine

Mr Alistair Ferguson  
Mr Shane Phillips  
Mr Gary Oliver  
Mr Shane Duffy  
Mr Eddie Cubillo  
Professor Ted Wilkes  
Mr Nicholas Cowdery AM QC  
Dr Naomi Mayer OAM  
Mr Sol Bellear  
Ms Tammy Solonec  
Mr Phil Naden  
Aunty Millie Ingram

## **APPENDIX B**

### **What is Justice Reinvestment?**

The aim of Justice Reinvestment (JR) is to redirect funding from the corrections system to the community to fund programs and services to support people in the community to reduce offending behaviours and build community capacity (Tucker & Cadora 2003). The Justice Reinvestment for Aboriginal Young People Campaign advocates that the methodology and objectives of justice reinvestment must be:

- Data driven
- Place based
- Fiscally sound
- Supported by a centralised strategic body

#### Data driven

JR is premised on the fact that it is possible to identify which communities produce large numbers of offenders, and to strategically use that information to guide investment in community programs to most effectively reduce imprisonment numbers. 'Justice mapping' or 'prison geographies, allow policy makers to identify 'million dollar blocks' - literally, a block of housing that is home to people whose incarceration costs over \$1 million per year' - where prison related expenditure is concentrated. Using data mining techniques to create detailed prisoner density maps in residential areas, decisions can be strategically made about how and where to allocate funds to most effectively bring about a reduction in crime.

Incarceration maps, on the other hand, show concentrations of prison admissions in particular areas so that public investment can be targeted towards the places that most need reshaping in terms of local infrastructure, production of social capital and better governance.

It is, however, important to note that the justice reinvestment approach is not purely data driven. While mapping underpins the identification of focus communities and, to some extent, the assets available to build community capacity, this is supplemented by years of research, countless conversations, and a network of local and national participants' committed to the justice reinvestment approach. The experiences, perceived needs and capacities expressed by the community are instrumental in developing tailored programs to address offending and, at the same time, achieving social justice outcomes.

#### Place based - "Not individual cases, but particular places".

JR has been developed with a view to 'improve[ing] the prospects not just of individual cases but of particular places' (Allen 2007). In other words, JR is focused on communities rather than individual offenders.

JR adopts best practice characteristics of place-based initiatives that include:

- Government entering into genuine government/ community partnership with the community
- Power devolving to the local level through local governance structures comprised of government departments, community organisations and community leaders
- The local governance structure supported and enabled by a skilled community facilitator
- Time and resources are invested into building trust between stakeholders, creating a shared vision for change, establishing effective governance, and developing a JR implementation plan
- Ongoing engagement and participation mechanisms are created to allow community members and other stakeholders to input into decision making

- The community is supported to determine, monitor and evaluate their JR initiatives
- The capacity of the community is enhanced to identify and tackle their own challenges
- Sufficient time and resources are allocated over the long-term

#### Fiscally sound

A JR approach must be fiscally sound offering long-term costs efficiency. For this to be achieved, the current costs of the criminal justice system, (in particular the incarceration of young people and adults) and effects to criminal recidivism in a particular geographical region should be identified. Cost benefit ratios and economic modelling should then be conducted for alternative service and program models (along with community consultation) to ensure the lowest risk – highest benefit program is selected for the area. The spending must then be tracked. However there must also be a commitment to long-term funding. The most successful community programs are those that have built trust with the community. It would be un-safe and ineffective to only commit to short term funding: it would be unlikely that the community would readily engage with the project.

Central to the JR approach is the idea that the fiscal framework incentivises communities to keep people away from the criminal justice system and prison by making a commitment: if community initiatives result in a reduction of people in that community having contact with the criminal justice system and being imprisoned, then government will reinvest a proportion of those savings back into the community. This commitment ensures the long-term sustainability of effective, evidence-based programs.

A JR approach:

- Quantifies the current costs that exist in the criminal justice system, breaking down these costs at different stages within the criminal justice system
- Quantifies the current costs that exist in the human services, which are consumed by individuals who are involved in the criminal justice system
- It estimates the savings associated with potential policy changes
- It is an iterative process that tracks spending and achieves tangible savings

#### Supported by a centralised strategic body monitoring and quantifying outcomes

Critical to the success of a JR policy is an independent centralised body.

A Statutory Authority will ensure longevity: a small body with a focused agenda to work across departments and to monitor and quantify social and economic outcomes of JR initiatives. A Centralised strategic Body would have the following roles:

- To support the Government in identifying appropriate communities and monitoring initiatives
- To support the Local Government System by collecting data, assisting in strategy development and building community capacity.

In the US, an example of a justice reinvestment advisory body is The Council of State Governments Justice Centre. The Justice Centre is bi-partisan not-for-profit organisation funded by a combination of Federal, State and private philanthropic funds. Its functions are to:

- Identify communities for a JR approach
- Support community based strategy development, including advising on what evidence-based initiatives will reduce offending / re-offending, increase community safety, and address disadvantage
- Build the capacity of the community to implement the JR strategy and initiatives  
Monitor and quantify the social and economic outcomes