



# Unlocking the Future

**Maranguka Justice Reinvestment  
Project in Bourke**

Preliminary assessment

**September 2016**

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# Acknowledgment of country

The KPMG Sydney office sits on the land  
of the Gadigal peoples of the Eora Nation.

KPMG would like to acknowledge the  
traditional owners of the land and pay  
respect to elders past, present and future.

***'Maranguka'***

*'Caring for others and offering help...'*

*(Local Ngemba Aboriginal language).*

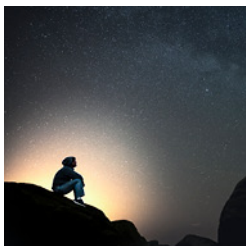
# Definition of key terms

TERM/ACRONYM	DEFINITION
<b>ABS</b>	Australian Bureau of Statistics
<b>Antenatal care</b>	Care received from healthcare professionals during pregnancy
<b>ATSI</b>	Aboriginal and Torres Strait Islander peoples
<b>Bourke Aboriginal Community Working Party (BACWP)</b>	Working group formed by the Bourke Community to address high levels of social disadvantage, rising crime and anti-social behaviour among Bourke's Aboriginal community
<b>Collective Impact</b>	Collective Impact as a collaborative problem-solving process was first described in 2011 in the Stanford Social Innovation Review
<b>Curfew</b>	A regulation requiring people to remain indoors between specified hours, typically at night
<b>Detention</b>	The action of detaining someone or the state of being detained in official custody
<b>Early intervention</b>	A system of coordinated services that promotes the child's age-appropriate growth and development and supports families during the critical early years
<b>Just Reinvest NSW</b>	A non-profit organisation assisting the Bourke community implement its Community-led Collective Impact approach to Justice Reinvestment
<b>Justice Reinvestment (JR)</b>	A new approach to tackling the causes of crime which involves re-directing money spent on adult prisons and youth detention to community development initiatives aiming to address the underlying structural causes of crime to make communities safer, stronger and more equitable
<b>LGA</b>	Local Government Area
<b>Malicious damage</b>	The intentional destruction or defacement of public, commercial and private property
<b>Maranguka</b>	In local Ngemba language meaning 'caring for others and offering help'. An organisation launched by the Bourke Aboriginal Community Working Party to lead a Justice Reinvestment and Collective Impact approach to community development in Bourke
<b>No-contact orders</b>	A prohibition of direct or indirect physical, verbal, and/or written contact with another individual or group
<b>NSW</b>	New South Wales
<b>Proceeded against</b>	To start to take legal action against someone
<b>Project governance</b>	The management framework within which project decisions are made
<b>Reoffending</b>	The act of committing a further offence; may be measured in a particular time period
<b>Steering Committee</b>	A committee that decides on the priorities or order of business of an organisation and manages the general course of its operations
<b>Trespass</b>	Entry to a person's land or property without permission
<b>Youth Justice Conferences</b>	A correctional method that involves young offenders taking steps towards directly repairing the harm they have caused to victims.



# Executive Summary





# Executive summary

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## BACKGROUND AND SCOPE

Bourke is a township in north-west New South Wales (NSW) with a population of around 3,000, one third of whom identify as Aboriginal. Over the last 20 years, a number of reviews and reports have documented the living conditions, and the social and economic challenges in the Bourke community. These reports have found that the Bourke community has experienced persistent significant economic and social disadvantage. Recently, the area has been characterised as having the highest rate of juvenile crime and domestic violence in NSW.

In response to this situation, the Bourke community has developed an approach which aims to reduce the high rate of Aboriginal children and young people's offending, reoffending and incarceration in adult prison and youth detention. Maranguka and Just Reinvest NSW are seeking to work with the NSW Government to further develop and implement the project. Key to the approach is the Maranguka Justice Reinvestment Project in Bourke ('the project'), which is a Community-led Collective Impact approach to Justice Reinvestment. Justice Reinvestment is an approach to tackling the causes of crime which involves re-directing money spent on adult prison and youth detention to community development initiatives aiming to address the underlying causes of crime.

Maranguka is an entity designed to create better coordinated support for vulnerable families and children in Bourke. It operates as a community hub and involves establishing community-led, multi-disciplinary teams working in partnership with relevant government and non-government agencies and organisations.

Just Reinvest NSW has collected significant evidence that highlights the need for change in Bourke, and proposed that adopting the Maranguka Justice Reinvestment Project in Bourke offered a solution to community challenges. Maranguka and Just Reinvest NSW is seeking to work with the NSW Government to further develop and implement the project.

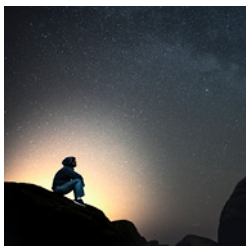
To assist in ensuring readiness to work with NSW Government and implement the project, Just Reinvest NSW engaged KPMG to:

- Describe and confirm the problem – Review and synthesise the evidence base that describes and confirms the problem of offending by Aboriginal children and young people in Bourke to ensure baseline problems are clearly defined, and document how the Bourke community has developed the Maranguka Justice Reinvestment Project in Bourke, to ensure there is a common understanding of the project.
- Assess the solution – Conduct an assessment of the proposed solution (the Maranguka Justice Reinvestment Project in Bourke) and the progress to date, to assess if the approach is a relevant, viable and appropriate option and make recommendations based on key findings in the assessment.

Consistent with these objectives, the approach and methods adopted to undertaking the readiness assessment consists of two stages:

- **Stage 1:** Describe and confirm the problem; and
- **Stage 2:** Assessment of the solution.

The objectives of each stage are summarised in Table 1.



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Table 1: Objectives of assessment stages

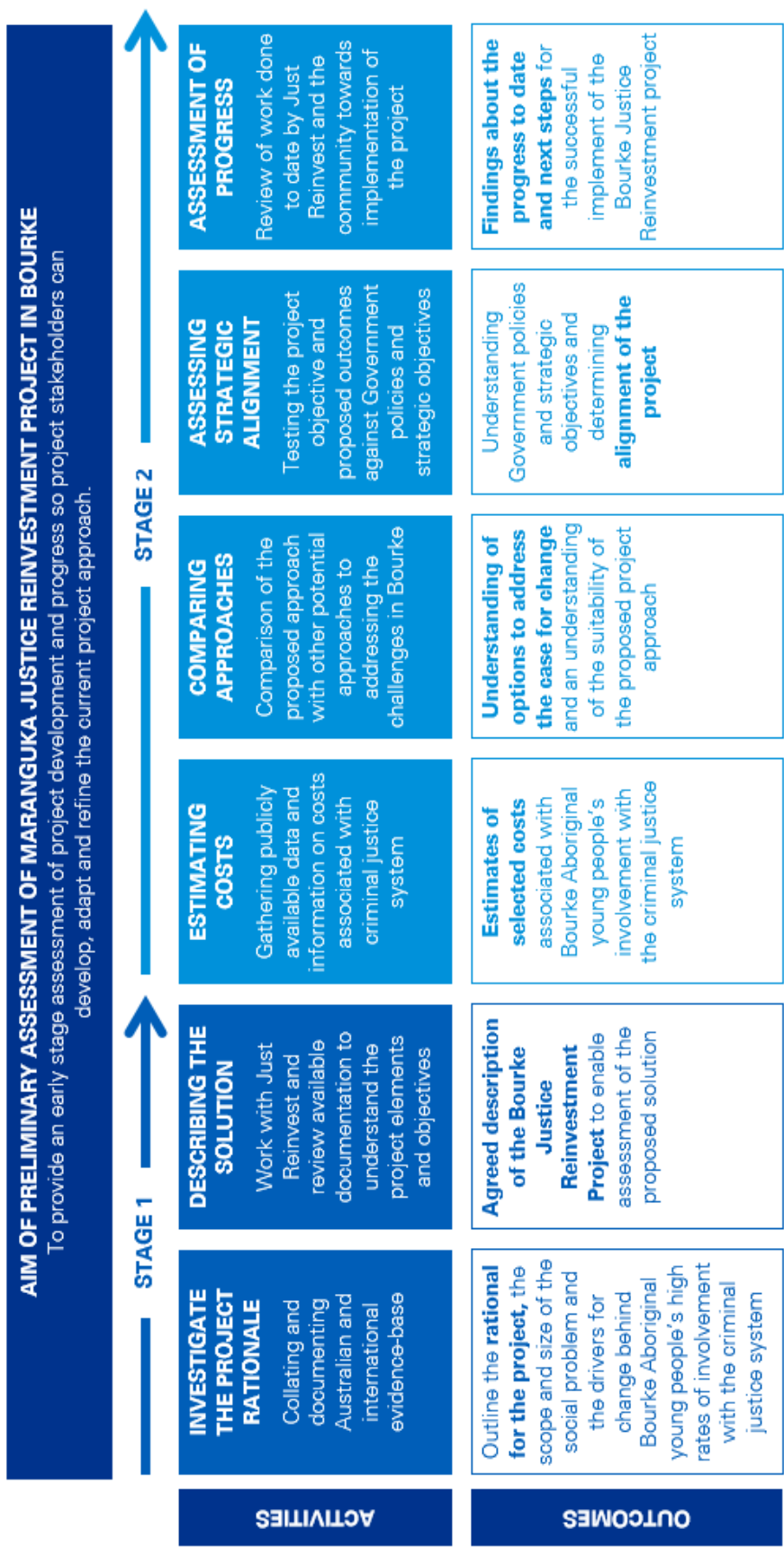
Stage	Objectives
<b>Stage 1:</b> Describe and confirm the problem	<p>The objective of the first stage is to assess the evidence base compiled to date and consolidate to form a description of the case for change in the Bourke community. This will ensure that there is a clear rationale for the need for the project and identify any gaps where further evidence is required. Specifically, this stage seeks to answer the following questions:</p> <p>What research and evidence is there to define the social problem (offending by Aboriginal children and young people) in Bourke?</p> <p>What is the scale and scope of the problem and how long has it been evident?</p> <p>What is the social and economic context of offending and what has been the response of the service system?</p> <p>How has the community response evolved – what is the history and evolution of the project as a Community-led Collective Impact approach to Justice Reinvestment, and what critical milestones of the approach have been reached?</p>
<b>Stage 2:</b> Assessment of the solution	<p>This stage seeks to draw on the findings of Stage 1 and other available evidence to assess whether the approach proposed by the project is relevant, viable and appropriate for the Bourke community. The assessment of the project focuses on five key areas:</p> <p>The extent to which the proposed approach aligns to the case for change (established in Stage 1).</p> <p>The alignment of the project with relevant government policy and strategic objectives.</p> <p>The financial case for reinvestment based on costs associated with the current situation.</p> <p>Comparison of the project with other potential approaches to addressing the current situation.</p> <p>Progress made and the critical factors that will impinge on successful implementation of the approach, including consideration of the potential next steps for the community, for partners and for Government.</p>

It is expected that the Preliminary Assessment will be used by Just Reinvest NSW to further refine and adapt the approach, and that it will be used to provide government with a detailed analysis of the project to date and next steps highlighting the role of the community, partners and government.

The key tasks and outputs associated with each stage of the assessment are summarised in Figure 1.

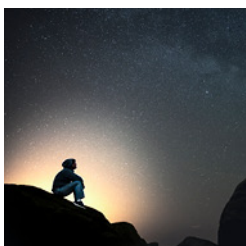


Figure 1: Preliminary assessment methodology



Source: KPMG





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The assessment is subject to a number of limitations which include limitations in terms of scope, and limitations in terms of information and data to inform the analysis. The scope is limited to an assessment of progress at a particular point in time (as of June 2016), when implementation was not complete. The scope of the assessment matches the scope of the Maranguka Justice Reinvestment Project in Bourke, which is focused on:

- the township of Bourke only (not neighbouring towns or areas);
- the situation of Aboriginal children and young people; and
- criminal justice outcomes as the starting point for analysis (rather than health, education or mental health outcomes).

In terms of limitations in data and information, the analysis of the project rationale (Stage 1) was conducted as a retrospective analysis so there are limitations in the type and quality of some of the data that are available. Limited information, for example, was available recording community perceptions and views on the project as the project progressed; and government administrative data is problem focused so very little information was available on community strengths.<sup>1</sup> Financial data that were analysed were in the public domain and specific limitations of these data are noted within the report.

## ASSESSMENT FINDINGS

The following sections describe the findings of the assessment of the Maranguka Justice Reinvestment Project in Bourke. Consistent with the objectives, scope and approach, the assessment considers the following:

- the project rationale;
- definition of the proposed solution (the project);
- estimated costs;
- comparison with other potential approaches;
- strategic alignment of the project; and
- assessment of implementation progress and readiness.

### Project rationale

Aboriginal Nations have existed in the area known as NSW for at least 45,000 years.<sup>2</sup> The Ngemba Nation occupied the east bank of the Darling River in the Darling Riverine Plains, in the area that is now known as Bourke.<sup>3</sup>

The Bourke community today experiences significant economic and social disadvantage. Over the last two decades, location-based studies have found Bourke to be one of the most disadvantaged localities in NSW and Australia more broadly.<sup>4</sup> There are multiple areas of measurement in which Bourke classifies as disadvantaged with two of the most significant areas being the levels of long-term unemployment, and the levels of family and community violence.<sup>5</sup>

<sup>1</sup> To counter this, community conversations relating to data have been held and recorded to provide this information to the Bourke Tribal Council when developing their strategy document.

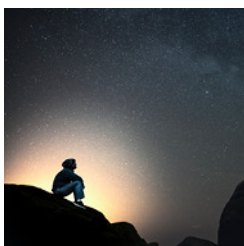
<sup>2</sup> NSW Government, Office of Environment and Heritage, Aboriginal occupation of the Western Division (viewed 17 May 2016)

<sup>3</sup> *ibid.*

<sup>4</sup> T Vinson, 'Unequal in life – the distribution of social disadvantage in Victoria and New South Wales' *The Ignatius Centre for Social Policy and Research* (August 1999) 80; T Vinson, 'Community Adversity and Resilience: The distribution of social disadvantage in Victoria and New South Wales and the mediating role of social cohesion' *Jesuit Social Services* (2004); T Vinson, M Rawsthorne and B Cooper, 'Dropping off the edge: the distribution of disadvantage in Australia' *Jesuit Social Services / Catholic Social Services Australia* (2007) 74.

<sup>5</sup> T Vinson, 'Unequal in life – the distribution of social disadvantage in Victoria and New South Wales' *The Ignatius Centre for Social Policy and Research* (August 1999) 80; T Vinson, 'Community Adversity and Resilience: The distribution of social disadvantage in Victoria and New South Wales and the mediating role of social cohesion' *Jesuit Social Services* (2004); T Vinson, M Rawsthorne and B Cooper, 'Dropping off the edge: the distribution of disadvantage in Australia' *Jesuit Social Services / Catholic Social Services Australia* (2007) 74; T Vinson, M Rawsthorne, A Beavis, M Ericson, 'Dropping off the edge 2015: persistent communal disadvantage in Australia' *Jesuit Social Services / Catholic Social Services Australia* (2015) 51; ABS.Stat BETA, Socio-Economic Indexes for Areas (SEIFA), SEIFA by Local Government Area, (LGA), Index of Relative Socio-economic Disadvantage, 2011, Bourke LGA (viewed 17 May 2015); Australian Early Development Census, Data Explorer, Bourke, NSW, Percentage of children developmentally vulnerable in 2012.





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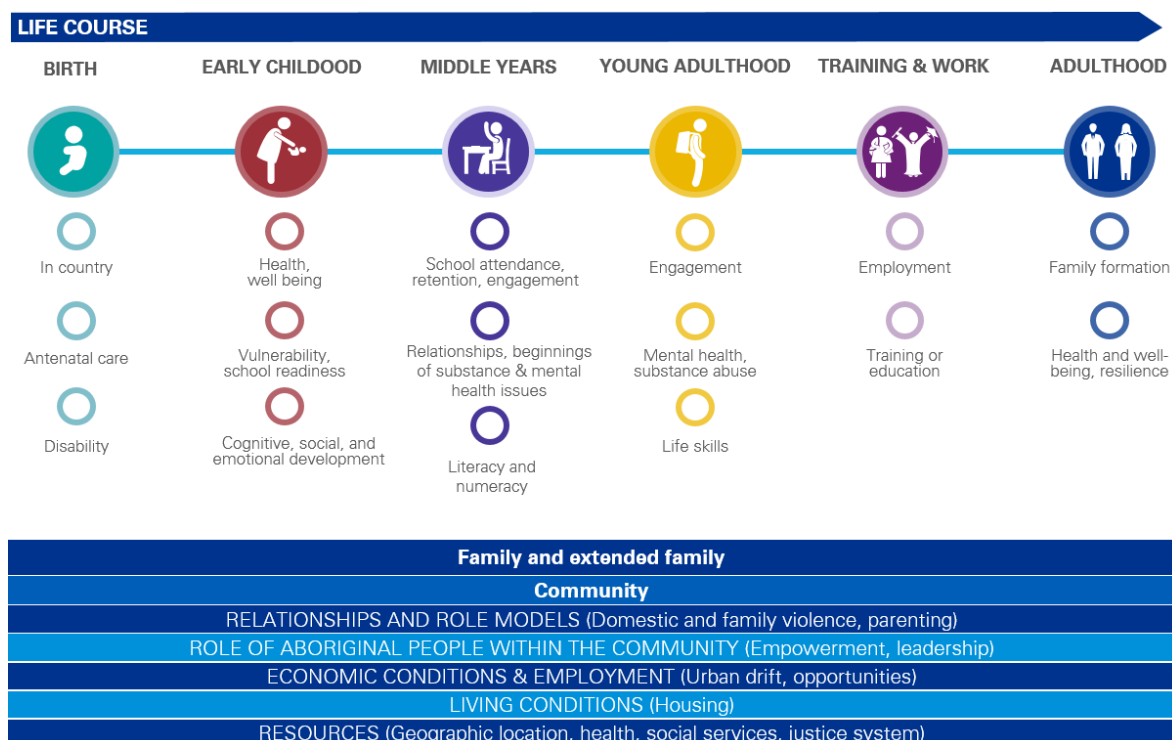
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Within the context of social and economic disadvantage in the community, children and young people are arguably the most disadvantaged group. Almost one in two children in Bourke have been assessed as developmentally vulnerable,<sup>6</sup> and Aboriginal children and young people aged 10 to 17 years in Bourke experience the highest rate of juvenile convictions, relative to other postcode localities in NSW.<sup>7</sup> The life course trajectory of an Aboriginal child in Bourke may be characterised by multiple overlapping vulnerabilities and disadvantage; the child may be developmentally vulnerable, lack school readiness, experience poor school engagement, attendance, and retention, and if there is an unsuccessful transition from school to work, unemployment. Low literacy and education is associated with a trajectory of poor life outcomes.<sup>8</sup> Some of the critical aspects in the life course are shown in Figure 2.

**Figure 2: Life course analysis and social and economic context of young people in Bourke**



Source: KPMG

Within the community, rates of contact with the justice system are higher than average in NSW, for example:

- breach of bail conditions against Aboriginal children and young people aged 10 to 24 years in the Bourke local government area (LGA) in 2013 were 12.3 times higher than the overall rate in NSW;<sup>9</sup> and
- Bourke LGA has the highest rate of police recorded incidents of assault, relative to any other LGA in NSW.<sup>10</sup>

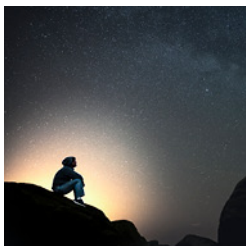
<sup>6</sup> Australian Early Development Census, Data Explorer, Bourke, NSW, Percentage of children developmentally vulnerable in 2012.

<sup>7</sup> T Vinson, M Rawsthorne, A Beavis, M Ericson, 'Dropping off the edge 2015: persistent communal disadvantage in Australia, Summary Sheet for NSW', Jesuit Social Services / Catholic Social Services Australia (2015), Postcode 2840.

<sup>8</sup> Productivity Commission, Overcoming Indigenous Disadvantage: Key Indicators (2014) 7-7.18.

<sup>9</sup> NSW Bureau of Crime Statistics and Research, Incidents of the top 20 offences recorded by Indigenous Persons of Interest (POIs) aged 10 to 24 in Bourke LGA for Bourke LGA and NSW: Number, rates and ranks, 2013. From Table J.BOC SAR.28 of Justice Reinvest NSW Bourke Data Dictionary (9 May 2016).

<sup>10</sup> NSW Bureau of Crime and Statistics and Research, NSW Crime Tool, Incidents of assault in the Bourke LGA from January 2015 to December 2015 (2016).



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In 2013, there were 121 Aboriginal young people under 26 years of age from the Bourke LGA who were released from sentenced custody/imprisonment.<sup>11</sup> For those who are convicted, incarcerated and released, there is an exceptionally high rate of reoffending. In 2013, 90 per cent of those under 18 years of age and 66 per cent of those aged 18 to 25 years who were released from sentenced custody/imprisonment, within 12 months of release, had a new proven court appearance, caution or youth justice conference.

Within the context of Bourke, there has been government-led service delivery for more than 130 years. The Special Commission of Inquiry into Child Protection Services in NSW in 2008<sup>12</sup> and the 2010 NSW Ombudsman's report<sup>13</sup> on service provision have reported on the approach to service delivery in Bourke. In the face of overlapping services, gaps in services and limited service coordination, the Ombudsman's report recommended a fundamentally revised approach to service delivery. It was recommended that a full continuum of universal, secondary and tertiary services targeted at vulnerable families should be provided. Service mapping, measurement of outcomes, building capability in staff and community consultation were also noted as priorities.

## Definition of the Maranguka Justice Reinvestment Project in Bourke

In response to the multiple persistent problems in Bourke, a number of community members became concerned about the number of Aboriginal children and young people who are incarcerated. Over time, from initial conversations in 2007, this concern has led to the development of an approach to 'give our children a future'.<sup>14</sup> The approach that has now been adopted to address juvenile incarceration is a Community-led Collective Impact approach to Justice Reinvestment in Bourke.

The Maranguka Justice Reinvestment Project in Bourke has an overarching goal as outlined in Figure 3.

**Figure 3:** *Overarching goal of the Maranguka Justice Reinvestment Project*



### OVERARCHING GOAL

Decrease the rate of contact of Aboriginal children and young people with the criminal justice system, adult prison and youth detention in Bourke, NSW

**Source:** Adapted from *Just Reinvest NSW Strategic Plan 2016-19*. On the web at: <http://www.justreinvest.org.au/wp-content/uploads/2016/07/Strategic-Plan-2016-2019-.pdf>

The history of the project in the community shows that the approach has taken many years to develop. In late 2013, Just Reinvest NSW was invited to partner with the community; and significantly, in 2014, the project received philanthropic funding from the Dusseldorp Forum and the Vincent Fairfax Family Foundation. With very few ties associated with this funding, it was pivotal to enabling experimentation and community development. Some of the significant key milestones that have been achieved to date are:

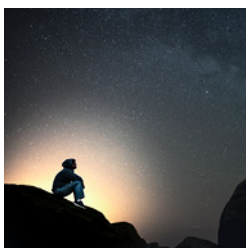
- **Establishment of Maranguka** – A community hub designed to create better coordinated support for vulnerable families and children in Bourke. It involves establishing community-led, multi-disciplinary teams working in partnership with relevant government and non-government agencies and organisations. Maranguka has also developed a broad range of other initiatives including a Housing Strategy, a driver's licence program, a Business Survey, support work for vulnerable families, support and a safe house for vulnerable young people.
- **Establishment of the Bourke Tribal Council** – The Bourke Tribal Council is an initiative of the Bourke Aboriginal Working Party. The Bourke Tribal Council is an Aboriginal leadership group and was established as the authoritative Aboriginal local governance mechanism for

<sup>11</sup> Above, note 8, Table J.BOCASAR.33.

<sup>12</sup> Special Commission of Inquiry into Child Protection Services in New South Wales, Report of the Special Commission of Inquiry into Child Protection Services in NSW, Volume 1 (November 2008) 257, 7.281.

<sup>13</sup> NSW Ombudsman, Inquiry into service provision to the Bourke and Brewarrina communities (December 2010) 44-53.

<sup>14</sup> Personal communication from community member.



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government to work with and enable local decision making about the delivery and coordination of community services in Bourke.

- **Establishment of a Data Dictionary and community snapshot** – Data from a broad range of government departments (both state and federal) were collected which related to the Bourke Community. The data collection included a profile of the Bourke community and a number of specific domains, including health, education, justice, employment, housing etc. The 'snapshot' concentrates on the child's life course and stages of development. In September to December 2015, a number of community conversations were held around the snapshot. The data collection exercise allowed community members to view data that specifically related to the community spanning several subject areas. The data collection and community conversations recorded informed the decision by the Bourke Tribal Council to identify four main goal areas for action.
- **Establishment of goals** – The data collection and community conversations recorded informed the decision by the Bourke Tribal Council to identify four main goal areas which form the basis of the strategy document Growing Our Kids Up Safe, Smart and Strong. This sets out key baseline and target measures for consideration which are still in the process of being finalised through the working groups.

The Maranguka Justice Reinvestment Project in Bourke has established the following vision to provide a point of reference and guide the future of the project:

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*All Bourke Aboriginal children and young people grow up safe, smart and strong.*

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Four specific areas of focus have been identified, designed to reduce the high rates of involvement with the criminal justice system of Bourke's Aboriginal children and young people, namely:

- early childhood and parenting;
- children and young people 8 to 18 years of age;
- the role of men; and
- service delivery reform.

The Bourke Tribal Council proposed a number of broad strategies which will be refined, developed and implemented by the Working Groups on a trial and test basis over the life of the project.

#### **Proposed approach of Maranguka Justice Reinvestment Project in Bourke:**

The Maranguka Justice Reinvestment Project in Bourke aims to achieve change through combining a Justice Reinvestment approach with a Community-led Collective Impact problem-solving process. The Justice Reinvestment approach has four phases, namely:

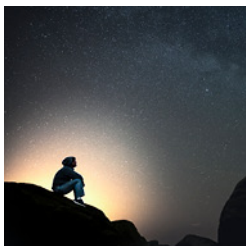
- 1) demographic/justice mapping and analysis of data;
- 2) development of options;
- 3) implementation; and
- 4) evaluation.

There are four other examples of Justice Reinvestment in Australia in addition to the Maranguka Justice Reinvestment Project in Bourke. Each model is very different (for example, the Australian Capital Territory model is led by Government, while not-for-profits lead in South Australia and the Northern Territory). The Maranguka Justice Reinvestment Project in Bourke approach is unique because it is community-led and the approach uses the Collective Impact methodology. Central to this methodology is a long-term commitment by a group of important actors from different sectors to a common agenda for solving a specific social problem.<sup>15</sup>

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<sup>15</sup> John Kania and Mark Kramer, 'Collective Impact' Stanford Social Innovation Review (Winter 2011), 39.





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A Collective Impact approach has five central elements:



**Source:** John Kania and Mark Kramer, 'Collective Impact' *Stanford Social Innovation Review* (Winter 2011), 39.

## Estimated costs

Justice Reinvestment involves the redirection of government funding from the 'back end' of the criminal justice system towards initiatives that are designed to strengthen communities and prevent crime. The approach is based on the premise that there are long-term cost savings for government in prevention by targeting initiatives that strengthen communities that reduce the underlying causes of crime.

As the working groups are focused across the life course of a child and include early and middle childhood strategies, the project has the potential to impact on the cost of and disproportionate representation of Aboriginal children in the care system as well as in the juvenile justice system. There is well-established evidence that these two groups overlap.<sup>16</sup>

Assessment of the economic case for Justice Reinvestment in Bourke involves analysis of costs of juvenile and young adult involvement in crime, the costs of the Justice Reinvestment approach and the potential savings from crime desistance. Detailed assessment requires definition of specific activities and associated outcomes. Given the preliminary nature of the project, these are not currently defined. Accordingly, preliminary economic assessment was undertaken based on publicly available information. This preliminary economic assessment estimated the direct justice system costs related to Aboriginal children and young people's involvement in crime. The direct costs are estimated to be in the vicinity of \$4 million per annum. These justice system costs, a proportion of which could be preventable, are significantly greater than the estimated costs associated with the project. The direct costs of the organisational structure now supporting the project (the 'backbone organisation'<sup>17</sup> and the project officer position, 'Just Reinvest NSW') are estimated to currently be \$554,800 per annum.

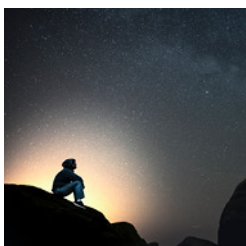
## Comparison with other potential approaches

The Maranguka Justice Reinvestment Project in Bourke was compared with a number of other models that have been used in Australia. The Maranguka Justice Reinvestment Project in Bourke was found to have significant differences from other models. The most significant differences are that the Maranguka Justice Reinvestment Project in Bourke is designed to:

1. Impact on the causes of crime;
2. Impact on the service system;
3. Involve the community (is community driven);
4. Be research-based and evidence driven; and
5. Involve factors associated with successful implementation (place based and tailored to local communities).

<sup>16</sup>AIHW (2016) "Young people in child protection and under youth justice supervision 2013–14": [http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=6evidence\\_0129556027](http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=6evidence_0129556027). MacKillop, 'The role of out of home care in criminal justice outcomes': <https://www.mackillop.org.au/data/file/SpVVOBTcTIIHDyzsqTmqeWXTM/The-Role-of-Out-of-Home-Care-in-Criminal-Justice-Outcomes-2013-.pdf>; Yampolskaya S1, Armstrong MI, McNeish R.(2011) *Violent Vict*, 26 (2) 231-45 Children placed in out-of-home care: risk factors for involvement with the Juvenile justice system.

<sup>17</sup> John Kania and Mark Kramer, 'Collective Impact' *Stanford Social Innovation Review* (Winter 2011), 39



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Because of these design features, compared to the other models in the analysis, the Bourke model holds promise for impacting on juvenile and young person's crime. Over time, after full implementation and evaluation, it will be possible to fully assess whether the proposed model delivers and achieves the intended outcomes to reduce offending.

## Strategic alignment of the project

The Maranguka Justice Reinvestment Project in Bourke approach was tested for strategic alignment with NSW and Australian Government policies. The approach was found to be aligned with a number of policies and strategies, including<sup>18</sup>:

- the NSW Government Department of Justice Strategic Plan,<sup>19</sup> by aiming to reduce the involvement of Aboriginal people with crime;
- the NSW Government Social Impact Investment Policy<sup>20</sup> by proposing to invest in prevention approaches;
- policies and objectives of the NSW Government Department of Aboriginal Affairs<sup>21</sup> by empowering Aboriginal peoples; and
- the NSW and Australian Governments, 10-year plan for improving Aboriginal health, Indigenous Economic Development Strategy 2011-2018<sup>22</sup>, and the Council of Australian Government's Closing the Gap in Indigenous Disadvantage by seeking to improve the social and economic outcomes of Aboriginal peoples.

## Assessment of implementation progress and readiness

Progress was assessed against the individual elements of the approaches underpinning the project – that is, against each of the five elements of a Collective Impact approach and the four phases of the Justice Reinvestment approach. Progress is summarised in Figure 4.

Assessment of progress in regard to Indigenous Self Governance is outside of the scope of this report, although it is noted that the project approach is supporting this to be developed.

## Implementing the Community-led Collective Impact approach

To date, the project has

- established a common agenda;
- set up a backbone infrastructure to support the project; and
- undertaken an extensive amount of work on establishing a shared measurement system.

The common agenda was established through a consultative community process which has taken several years and has been developed at the invitation of the community (initially at the end of 2012). Project sponsors, the Bourke Tribal Council, the Bourke Aboriginal community, NSW Government Ministers and Senior Executives, and service providers and practitioners in Bourke now have a common understanding of the identified need to reduce Bourke Aboriginal young people's offending and incarceration in adult prison and youth detention.

Philanthropic funders have provided resources to establish and operate the backbone organisation over the three-year period between 2016-17 and 2018-19 with dedicated staffing with an estimated annual staffing cost of \$554,800. The backbone organisation is responsible for leading the Maranguka Justice Reinvestment Project in Bourke, providing project management support, monitoring progress towards the common agenda, supporting the use of data and a shared measurement system to promote accountability and securing ongoing resources.

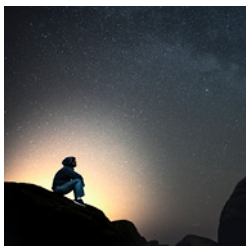
<sup>18</sup> The approach is also aligned with the NSW Strategic Plan for Children and Young People: 2016- 2019 although this plan was released in July after the study period.

<sup>19</sup> NSW Government Department of Justice, Annual Report 2014-15 (2015) 8.

<sup>20</sup> See announcement from July 2016 in the Sydney Morning Herald <http://www.smh.com.au/nsw/national-australia-bank-signs-up-to-reduce-prisoner-reincarceration-rate-20160711-gq33dt.html#ixzz4EApHrQIH>

<sup>21</sup> NSW Government Department of Aboriginal Affairs, NSW Government Plan for Aboriginal Affairs: education, employment and accountability (2013).

<sup>22</sup> Australian Government, Indigenous Economic Development Strategy 2011-2018 (2011). NSW Government, NSW Aboriginal Health Plan 2013-2023 (2012).



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As previously outlined, the Maranguka Justice Reinvestment Project in Bourke has a set **vision, intended outcome and specific goals in four focus areas**. Although existing data sets have been explored, outcome measures, and success rates for each of the target areas are currently being explored and developed and are part of the next steps of development.

With a common agenda established in the community, and a backbone organisation underway, the project is moving towards mutually reinforcing activities. Service delivery reform through introduction of a more collaborative structure is one of the four main goals of the Maranguka Justice Reinvestment Project in Bourke. As of May 2016, Working Groups are in the final stages of being established. Continuous communication and cooperation will be required throughout project implementation to build trust, assure project stakeholders that the agreed intended outcome and goals are being achieved, and to create a common motivation for ongoing efforts





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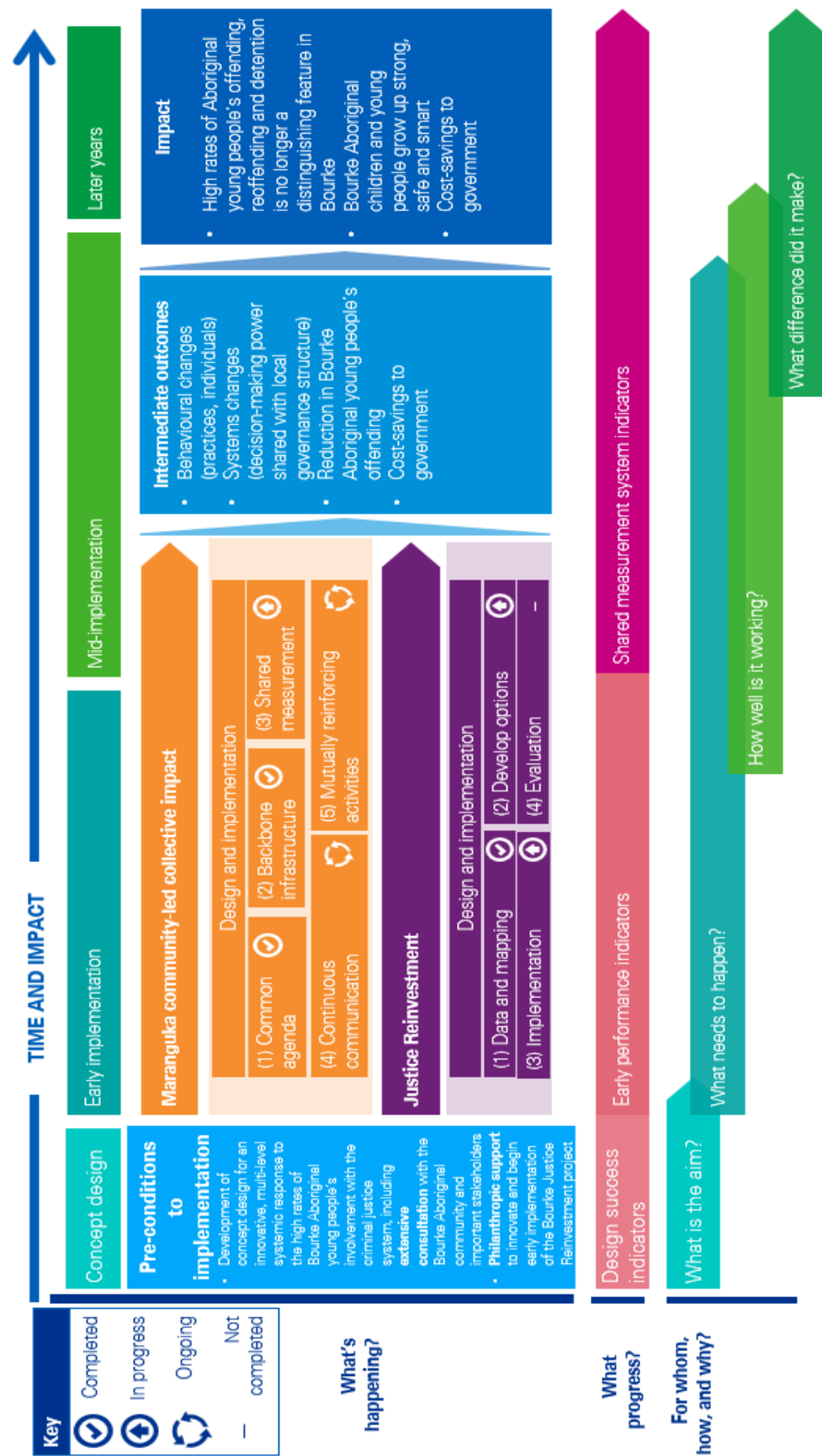
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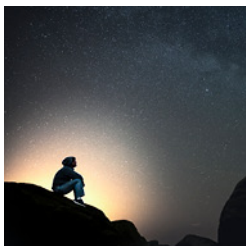
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Figure 4: Overview of progress to date in implementing the project



Source: KPMG



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## Implementing Justice Reinvestment

The project has established the first two phases of Justice Reinvestment: work has been undertaken on mapping and analysis of demographic data and options are in the process of being developed.



















Sponsors of the Maranguka Justice Reinvestment Project in Bourke have mapped demographic and justice data, and have identified the need to reduce the high rates of Bourke Aboriginal children and young people's offending and incarceration in adult prison and youth detention.

Potential activities and strategies to reduce Bourke Aboriginal children and young people's offending and incarceration have been identified through the work of the Community-led Collective Impact approach to set a common agenda in Bourke.

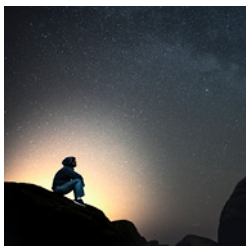
As part of the development and planning phase, evidence-based options should be developed under each of the specific focus areas and critically appraised. Once specific options to address the primary drivers behind Bourke Aboriginal children and young people's offending and incarceration have been developed and agreed to, implementation can be advanced. Working Groups under the Maranguka Justice Reinvestment Project in Bourke to support achievement of the four main goals areas are currently being finalised.

Once the activities have been selected and measures established, an evaluation plan can be developed which is the final phase of a Justice Reinvestment approach.

**Figure 5: Summary of implementation progress**

Summary of progress in implementing the Community-led Collective Impact approach			Summary of progress in implementing Justice Reinvestment in Bourke		
	Element 1   Common agenda			Phase 1   Mapping and analysis of demographic and justice data	
	Element 2   Backbone infrastructure (BBI)			Phase 2   Development of options	
	Element 3   Shared measurement system			Phase 3   Implementation	
	Element 4   Mutually reinforcing activities			Phase 4   Evaluation	
	Element 5   Continuous communication and cooperation				

**Source:** KPMG

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## Key Findings and Recommendations

Stage 1 of the preliminary assessment focussed on defining the social problem and proposed solution. The social and economic problems in Bourke have been clearly defined and the evidence base regarding young Aboriginal people's offending has been reviewed and synthesised. The analysis has shown that there has been persistent social and economic disadvantage in Bourke over several decades, and there is a high rate of Aboriginal juvenile offending. Research on the service system has found it to be characterised by gaps, overlaps and a lack of coordination. In 2011, the NSW Ombudsman recommended a new approach to service design and delivery.

The assessment has documented the mobilisation of the Bourke community to develop a response to the high rates of Aboriginal juvenile offending and incarceration and has documented the main aspects of the Bourke approach.

Stage 2 of the Preliminary Assessment focussed on assessing the proposed solution (the project) to assess if the approach is a relevant, viable and appropriate option. In assessing the approach, it was found that the approach strategically aligns with NSW Government and Australian Government justice, early intervention and Indigenous policies designed to promote prevention of social problems, Indigenous self-governance and prevention of crime. The approach is also aligned with a pathways life course analysis of juvenile crime and crime prevention.

When contrasted with several other crime prevention approaches, the Justice Reinvestment approach was found to be promising on a number of criterion. The approach has the potential to address the underlying causes of crime, the approach is data driven and the approach is community-led.

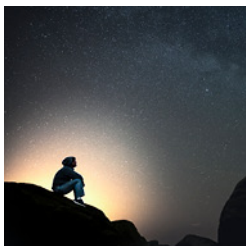
Progress has been assessed in order to make recommendations for next steps. In terms of progress, the assessment has found that the project has implemented the first two stages of Collective Impact through establishing a common agenda and a backbone organisation, and has undertaken work on a shared measurement system, goals and measures. The first two stages of Justice Reinvestment have also been established through mapping and analysis of data and through development of options. In addition, in response to specific crime data (such as Bourke having the highest rate of breach of bail in NSW), specific initiatives have been developed as justice 'circuit breakers' and are being rolled out including the driver licensing program, bail protocols and the warrant clinic to reduce the number of Aboriginal young people in custody.

The development of the approach is being progressed and has the potential to have a significant impact in Bourke. With a common agenda and goals established, it is timely to strengthen the governance arrangements, reconsider risks and refresh project management.

Findings of the assessment of have led to the development of a number of recommendations regarding next steps for the project.

The respective roles of key stakeholders should be considered. Now that the community has established goals, and philanthropic funding has enabled the backbone organisation to be established, it is a pivotal point in time to consider the role of government and consider an exit strategy for the philanthropic funders.



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***To achieve the policy objectives of the NSW and Australian Government in reducing contact of children and young people with the justice system a new approach is needed.***

***For the MARANGUKA JUSTICE REINVESTMENT PROJECT IN BOURKE to remain a community-led collaborative approach, new structures and ways of working will need to be developed and implemented so that government can actively collaborate and participate in the project rather than directing, owning and running the project. Without a new way of working, the outcomes to be achieved by the project will be at risk.***

*To facilitate full implementation of the project the following recommendations have been made:*

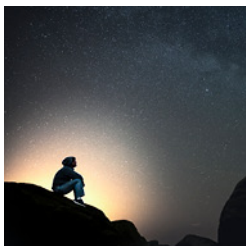
***Recommendation 1:*** Refresh, formalise and implement effective governance arrangements with existing partners, including:

- *Obtain recognition from government that there is a case for change in Bourke, and that the project offers an innovative, multi-level systemic response.*
- *Develop a new way for government to work alongside the community within the project model to form a partnership between government and key stakeholders to support implementation of the project (for example, Senior Executives to participate in the Cross-Sector Leadership Group and participation by service providers and practitioners in relevant Working Groups under the project).*
- *For government to work with the Bourke Tribal Council as the Aboriginal local governance mechanism to enable local decision making about the delivery and coordination of community services in Bourke.*
- *Clarify and codify the governance and legal structures needed to support the Bourke Tribal Council as the authoritative Aboriginal local governance mechanism over Maranguka.*
- *Consider an exit strategy for philanthropic partners.*

***Recommendation 2:*** Establish an implementation plan for the project with clear links to project governance:

- *Cross-Sector Leadership Group to consider: reducing barriers to local decision making, consider innovative funding mechanisms such as pooled funding, identifying policy and other changes needed to support the project.*
- *Establish an implementation plan which supports achievement of the strategy through testing and trialling what works in Bourke, using data to continuously learn, adapt, and improve; and develop timeframes and milestones within this approach.*
- *Refresh the project's risk register and consider risks and mitigation strategies at this point in time.*

In addition to strengthened governance, the next steps in the project are to further refine options and develop an evaluation plan. This work involves carefully assessing the evidence base for each option. Realistically, it is unlikely that there will be many options that have been tested and trialled within a similar context within an Aboriginal community. It may, therefore take a while to develop up, test and trial a particular approach within the Bourke context. When options are finally developed, it is at this point in time that an evaluation plan can be formulated.

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**Recommendation 3:** Identify evidence-based options under the four main goal areas of the project and implement within a test and trial approach relevant to an Aboriginal community

- Consider the literature and evidence for each option, including the success rate and whether the option has been developed within a remote Aboriginal community.
- If the project sponsors need to make the case for additional expenditure to support the selected option, establish specific cost-savings.

**Recommendation 4:** Develop an evaluation plan

- Specify program logic to show a chain of reasoning that connects the project actions and specific strategies with the intended outcome.
- Determine measurable outcomes for the project under each of the identified focus areas.
- Government to facilitate access and sharing of data on Bourke Aboriginal children, young people and families to enable monitoring and evaluation of the Maranguka Justice Reinvestment Project.
- Strengthen the processes needed for a test and trial approach, and the use of data to continuously learn, adapt, and improve.
- Specify the evaluation methods (including the use of baseline and proposed analysis) and the timing for the evaluation.

**Recommendation 5:** Develop Justice Reinvestment economic appraisal

- Once specific approaches in each of the target areas have been developed and success rates are known, specific costs and savings can be calculated and the Justice Reinvestment analysis can be made.
- Quantify cost-savings and economic savings to government based on evaluation outcomes.
- Establish financial mechanism for government to reinvest savings and realise Justice Reinvestment.

Given that the approach is closely aligned with many policy directions and has made significant progress, the approach is a promising initiative to address offending of young Aboriginal people in Bourke. The next steps will be crucial in determining whether the approach, through its development over a number of years, is able to deliver outcomes in Bourke and make a real difference in the lives of Aboriginal children and young people in that community.



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# Section 1





# 1 Introduction

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## 1.1 BACKGROUND

Bourke is a township in north-west New South Wales (NSW) with a population of around 3,000, one third of whom are Aboriginal peoples. Over the last 20 years, there have been a number of reviews and reports that have detailed the living conditions, and the social and economic challenges in the Bourke community. Key reports include:

- The 2010 NSW Ombudsman's report on service provision<sup>23</sup>; and
- Tony Vinson's report analysing disadvantage by NSW postcode<sup>24</sup>

The consistent findings of these reports are that the town has experienced persistent significant economic and social disadvantage over the last 20 years<sup>25</sup>. Bourke is ranked as one of the most disadvantaged Local Government Areas (LGAs) in NSW characterised by long-term unemployment, as well as family and community violence. Almost one in two children in Bourke have been assessed as developmentally vulnerable, the area has the highest rate of juvenile convictions in the state<sup>26</sup> as well as the highest rate of police recorded incidents of assault in the state.<sup>27</sup> Nearly all children and young people who are released from custody are back before the courts within a year - in 2013, 90 per cent of those under 18 years of age who were released from sentenced custody had, within 12 months of release, a new proven court appearance, caution or youth justice conference.<sup>28</sup> The service system, in the face of these challenges, has not been successful. The 2010 NSW Ombudsman's report found inefficiencies, and critical service delivery challenges including fragmentation of services and gaps in services (e.g. in responding to children and young people in high risk situations and/or who are disengaged from the school system).<sup>29</sup>

In response to the situation in Bourke, a number of community members became concerned about the number of Aboriginal children and young people who are incarcerated. From initial conversations in 2007, this concern has led, over time, to the development of a Community-led Collective Impact approach Justice Reinvestment in Bourke.

Justice Reinvestment is a place-based, data-driven criminal justice intervention that aims to 'reduce corrections populations and budgets, thereby generating savings for the purpose of reinvesting in high incarceration communities to make them safer, stronger, more prosperous and equitable'.<sup>30</sup>

This report conducts a preliminary assessment of the Maranguka Justice Reinvestment Project in Bourke. The mission of the Maranguka Justice Reinvestment Project in Bourke is:

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*To reduce the over-representation of Aboriginal children and young people in the criminal justice system, adult prison and youth detention in Bourke*

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<sup>23</sup> Above, note 12, 44-53.

<sup>24</sup> T Vinson, M Rawsthorne, A Beavis, M Ericson, 'Dropping off the edge 2015: persistent communal disadvantage in Australia' Jesuit Social Services / Catholic Social Services Australia (2015) 51.

<sup>25</sup> Ibid.

<sup>26</sup> T Vinson, M Rawsthorne, A Beavis, M Ericson, 'Dropping off the edge 2015: persistent communal disadvantage in Australia, Summary Sheet for NSW', Jesuit Social Services / Catholic Social Services Australia (2015), Postcode 2840.

<sup>27</sup> NSW Bureau of Crime and Statistics and Research, NSW Crime Tool, Incidents of assault in the Bourke LGA from January 2015 to December 2015 (2016).

<sup>28</sup> Above, note 8, Table J.BOCAR.33.

<sup>29</sup> Above, note 12, 44-53.

<sup>30</sup> Austin et al 2013 p1 quoted in D Brown, C Cunneen, M Schwartz, J Stubbs, C Young, (2016) Justice Reinvestment. Winding back imprisonment. University of NSW Australia. Palgrave Macmillan, Australia.



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While the explicit goal of the project is to reduce the number of Aboriginal young people in justice system in Bourke, the project aims to achieve this outcome through a very specific approach ie through a combined Justice Reinvestment and Community-led Collective Impact approach.

The **Justice Reinvestment approach** has four phases through which it is developed.

The phases are:

1. Demographic/justice mapping and analysis of data;
2. Development of options;
3. Implementation; and
4. Evaluation.

The **Community-led approach** uses the elements of the Collective Impact methodology. Central to this methodology is a long-term commitment by a group of important actors from different sectors to a common agenda for solving a specific social problem.<sup>31</sup> A Collective Impact approach is supported through:

1. Development of a common community shared agenda;
2. Establishment of a shared measurements system;
3. Development of mutually reinforcing activities;
4. Ongoing communication; and
5. An independent 'backbone' organisation.<sup>32</sup>

## 1.2 SCOPE

In response to the community concern and the reports and evaluations detailing the situation in Bourke, the Maranguka Justice Reinvestment Project in Bourke aims to impact on the high rates of juvenile and young adult incarceration and reoffending in Bourke through a Community-led Collective Impact approach to Justice Reinvestment. More specifically, the target population group which is the focus of the project is Bourke Aboriginal children and young people aged 10 to 25 years involved in the criminal justice system through offending, reoffending and incarceration in adult prison and youth detention. While the overall Maranguka Justice Reinvestment Project is concerned with the 10 to 25 year old population cohort, two of the project's four main goals are to focus on early childhood and the cohort of 8 to 18 years.

By 2015 Just Reinvest NSW, had collected significant evidence that highlighted the need for change in Bourke and Maranguka had signed a release of the information back to the community. At this stage, Just Reinvest was seeking to work with the NSW Government to further develop and support the project.

Just Reinvest engaged KPMG to:

- **Describe and confirm the problem** – Review and synthesise the evidence base that describes and confirms the problem of offending by Aboriginal young people in Bourke to ensure baseline problems are clearly defined; and document how the Bourke community has developed the Maranguka Justice Reinvestment Project in Bourke, to ensure there is a common understanding of the project.
- **Assess the solution** – Conduct an assessment of the proposed solution (the Maranguka Justice Reinvestment Project in Bourke) and the progress to date, to assess if the approach is a relevant, viable and appropriate option and make recommendations based on key findings in the assessment.

The purpose of the review is to obtain an independent critical assessment of progress to date and to present Justice Reinvest with an assessment of next steps at this point in time. It is expected that the assessment will be used by Just Reinvest NSW to further refine and adapt the approach; and that the assessment will also be used to provide government with a detailed analysis of the project to date with an outline of next steps

The Preliminary Assessment is conducted in two parts. The aims of the Preliminary Assessment in each of the parts are as follows:

<sup>31</sup> John Kania and Mark Kramer, 'Collective Impact' Stanford Social Innovation Review (Winter 2011), 39.

<sup>32</sup> *ibid.*





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- Definition of the problems in Bourke through a synthesis of the research evidence regarding offending by Aboriginal young people in Bourke, the social and economic context of offending and the response of the service system. The history and evolution of the proposed solution (a Community-led Collective Impact approach to Justice Reinvestment) is described, to ensure there is an understanding of what is entailed in this approach.
- Assessment as to whether the model is relevant, viable and appropriate as an option through assessment of the approach against four aspects:
  - Strategic alignment with government policy objectives;
  - High level financial parameters (the financial case for reinvestment);
  - Comparison with other options; and
  - Assessment of progress to date.

On the basis of the assessment, the critical next steps for the project, and recommendations for key partners (government, philanthropists, business, and project sponsors) are considered.

## 1.3 LIMITATIONS

### 1.3.1 Limitations in scope

Limitations in scope arise from what is included in the analysis and what is out of scope in this report. The assessment scope includes analysis of progress against the stages of Justice Reinvestment and the components of a Collective Impact approach. The assessment presents the Bourke model and contrasts this approach with other possible models in the Australian setting. The scope includes analysis of the role of government, non-government, philanthropic and corporate partners in the approach (which is consistent with a Justice Reinvestment approach). The scope is limited to an assessment of progress at a particular point in time (as of June 2016). At this point in time, all stages of the project have not been implemented, so full implementation cannot be assessed. At a later point in time, after full implementation, further analysis could be undertaken to assess the outcomes and impact of the approach. Other analyses, such as the longitudinal pathways of children and young people through the service system including the justice system, were not included within the scope of this work.

The assessment reflects the scope of the Maranguka Justice Reinvestment Project in Bourke. The project is focused on and limited to Bourke (and not neighbouring towns or areas); the situation of Aboriginal children and young people; and criminal justice outcomes as the starting point (rather than health, education or mental health outcomes).

### 1.3.2 Information and data

The second type of limitation relates to the ability to be able to undertake the analysis within the given methodology. The analysis was conducted as a retrospective analysis so there are limitations in the type and quality of some of the data that are available for the Preliminary Assessment. Limited information, for example, was available recording community perceptions and views on the project as the project progressed.<sup>33</sup> The data used in the assessment to describe the challenges in the community is, for the most part, administrative government data which does not provide a balanced view of the community. This data is problem focused so there is very limited data available on the strengths of the community and the strengths of children and young people. This limitation is acknowledged as an ongoing challenge and it is recommended that in the future data on community strengths is collected to balance the portrayal of the community.<sup>34</sup> Future evaluation and measurement of the project should involve primary data collection from the community directly.

Work to begin developing the project started in 2011-12, therefore, data from this period has been used in the analysis of the drivers for change in Bourke. It is acknowledged that more recent data pertaining to crime, health, education and other outcomes in Bourke is available. In some areas,

<sup>33</sup> A Youth Advisory Committee is now being established which will seek the views of young people on the specific strategies.

<sup>34</sup> In response to the limitation of administrative data, the justice reinvestment project organised community data conversations which were recorded and included in the information provided to the Bourke Tribal Council for the purpose of developing the strategy document.

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the latest data indicates there have been some improvements since 2011-12. In other areas, there is no difference. The starting point of a baseline for measuring data on outcomes in Bourke will be an important consideration for both the ongoing monitoring of the project's impact by the project sponsors and any future formative evaluation on the overall impact of the project. Different population groups and demographics are also referred to throughout the report due to differences in data sets, for example data on police recorded incidents of crime varies between children and young people aged 10 to 17 years and children and young people aged 10 to 24 years.

Analysis on the costs of justice was based on data in the public domain. Although robust, there are limitations to the cost data that are collected and publically available. For the data that are available, there are limitations to the structure and usefulness of some of the data.

## 1.4 REPORT STRUCTURE

The remainder of this report is structured as followings:

- **Section 1: Introduction** - describes the background, aim and scope of the project and the limitations of the approach.
- **Section 2: Approach** - approach to the analysis including a description of the major questions that shape the analysis, the sources of data, and the analysis techniques.
- **Section 3: Project rationale** - drivers for change and the rationale for the project are outlined in this section of the Preliminary Assessment. This section includes an analysis of the social problem - the offending and incarceration rates of young Aboriginal people in Bourke, and examines young people's involvement in the criminal justice system. The economic and social conditions which contribute to higher rates of crime including the underlying conditions in Bourke are examined. Evidence is presented that these underlying structural conditions are a primary driver behind Bourke Aboriginal young people's involvement with the criminal justice system. In addition, current issues in the approach to delivering community services in Bourke are also discussed.
- **Section 4: Definition of the project** - The fourth section outlines the Maranguka Justice Reinvestment Project in Bourke. It details potential approaches to Justice Reinvestment and the specifics of the Bourke model. The section outlines the three key elements in the Bourke model (Indigenous self-governance, a Collective Impact approach, and Justice Reinvestment); this section steps through the evolution of the project since 2013 and the main events in the development of the approach. It also notes other Justice Reinvestment approaches in Australia.
- **Section 5: Project assessment** - This section assesses the Maranguka Justice Reinvestment Project in Bourke through
  - testing alignment of the model to government policy;
  - high level analysis of the financial case of Justice Reinvestment; and
  - comparison of the model to other possible approaches that have been used to address Aboriginal offending and incarceration.
- **Section 6: Key findings and recommendations** - The final section of the Preliminary Assessment notes the progress to date in implementing the project, and presents next steps to advance implementation.

# Section 2







## 2 Approach

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This section outlines the approach to the analysis including the major questions that shaped the assessment, the method, the data sources that were used, and the approach to the analysis.

### 2.1 ASSESSMENT STAGES

The assessment is an early stage assessment of development and progress. The assessment is formative which is intended to provide information that stakeholders can use to develop, adapt and refine the current approach to the project. Consistent with the scope and these objectives, the approach and methods adopted to undertaking the readiness assessment consists of two stages:

**Stage 1:** Describe and confirm the problem; and

**Stage 2:** Assessment of the solution.

*Table 2 1: Objectives of assessment stages*

Stage	Objectives
<b>Stage 1:</b> Describe and confirm the problem	<ul style="list-style-type: none"> <li>The objective of the first stage is to assess the evidence base compiled to date and consolidate to form a description of the case for change in the Bourke community. This will ensure that there is a clear rationale for the need for the project and identify any gaps where further evidence is required. Specifically, this stage seeks to answer the following questions: <ul style="list-style-type: none"> <li>What research and evidence is there to define the social problem (offending by Aboriginal young people in Bourke?)</li> <li>What is the scale and scope of the problem and how long has it been evident?</li> <li>What is the social and economic context of offending and what has been the response of the service system?</li> <li>How has the community response evolved – what is the history and evolution of the project as a Community-led Collective Impact approach to Justice Reinvestment, and what critical milestones of the approach have been reached?</li> </ul> </li> </ul>
<b>Stage 2:</b> Assessment of the solution	<ul style="list-style-type: none"> <li>This stage seeks to draw on the findings of Stage 1 and other available evidence to assess whether the approach proposed by the project is relevant, viable and appropriate for the Bourke community. The assessment of the project focuses on five key areas: <ul style="list-style-type: none"> <li>The extent to which the proposed approach aligns to the case for change (established in Stage 1).</li> </ul> </li> </ul>



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## Stage

## Objectives

- The alignment of the project with relevant government policy and strategic objectives.
- The financial case for reinvestment based on costs associated with the current situation.
- Comparison of the project with other potential approaches to addressing the current situation.
- Progress been made and the critical factors that will impinge on successful implementation of the approach, including consideration of the potential next steps for the community, for partners and for Government.

Source: KPMG


## 2.2 ASSESSMENT ACTIVITIES AND OUTCOMES

The approach to the preliminary assessment involved a number of activities that brought together a variety of information sources to understand and develop an assessment of the current state, progress to date, and next steps. The approach consisted of five core activities as illustrated in Figure 2 1.

Underpinning the two stages of the assessment was collation and review of relevant literature identified through a literature search and via stakeholders and subject matter experts. Literature included government reports, published articles and research articles. The scope of the literature included selective NSW, Australian and international literature. The themes of the literature review included:

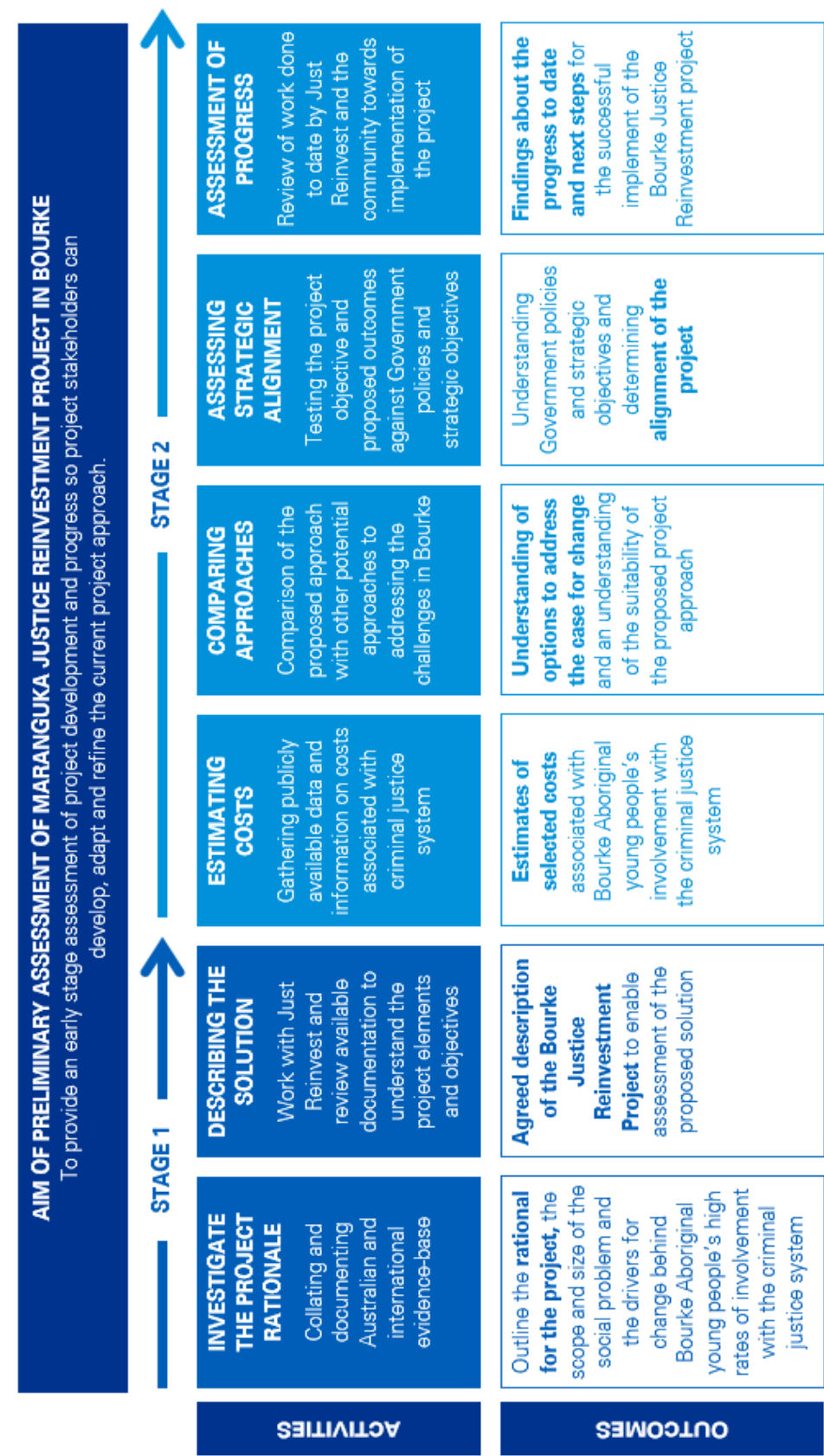
- offending of Aboriginal children and young people in Bourke;
- the social and economic conditions which contribute to higher rates of crime;
- costs, juvenile offending, juvenile detention;
- Justice Reinvestment evaluation; and
- Collective Impact evaluation.

The data and information used in the preliminary assessment include official government demographic and justice data, interview data from stakeholders and costing data from research studies. The types of data and information that informed the assessment are outlined in Table 2 2.



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Figure 2 1: Preliminary assessment methodology



Source: KPMG

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**Table 2 2:** Data and information included in assessment

Data/Information Type	Description
<b>Justice data</b>	<ul style="list-style-type: none"> <li>Australian and international data and evidence regarding the rates of Indigenous young people's involvement with the criminal justice system; and</li> <li>the Just Reinvest NSW Bourke Data Dictionary (which includes NSW Government and Australian Government data regarding child welfare, education, employment, justice and health).</li> </ul>
<b>Demographic data</b>	<ul style="list-style-type: none"> <li>Primary and secondary data sources regarding the situation of Bourke Aboriginal young people aged 10 to 25 years (including for example ABS population data, and SEIFA data).</li> </ul>
<b>Costing data</b>	<ul style="list-style-type: none"> <li>Publicly available data and information on the costs associated with young people's involvement with the criminal justice system;</li> <li>Australian and international evidence regarding cost-savings associated with reducing young people's involvement with the criminal justice system;</li> <li>documentation provided by the project sponsors; and</li> <li>costing information collected from project sponsors through interviews and workshops.</li> </ul>
<b>Maranguka Community-led Justice Reinvestment Project in Bourke documentation</b>	<ul style="list-style-type: none"> <li>Project documentation includes Meeting Minutes, Progress reports and Annual Reports; and</li> <li>Theoretical literature includes key literature on Justice Reinvestment, Indigenous self-determination and Collective Impact. These sources are referenced throughout this report.</li> </ul>

**Source:** KPMG

Recognising NSW Government frameworks for analysis and best practice approaches, the approach has adopted elements from NSW Treasury's Business Case Guidelines (e.g. the rationale/case for change, and the examination of options).

A framework for analysis was developed for the Stage 2 assessment, drawing on research literature and leading policy practice and is outlined in Table 2 3.



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**Table 2 3:** Framework for analysis

Assessment element	Assessment framework
<b>Assessment of the Maranguka Justice Reinvestment approach</b>	<ul style="list-style-type: none"> <li>• Assessment against the following framework:</li> <li>• Degree of alignment with NSW and Australian government policy</li> <li>• Capacity of the approach to meet prevention policy objectives</li> <li>• Assessment of economic benefits in the Reinvestment approach</li> <li>• Comparison with other approaches assessed against the following criteria: <ul style="list-style-type: none"> <li>◦ impact on the causes of crime;</li> <li>◦ impact on service system;</li> <li>◦ involvement of community;</li> <li>◦ evidence based development of options; and</li> <li>◦ potential for successful implementation.</li> </ul> </li> </ul>
<b>Progress to date (implementing Justice Reinvestment and Collective Impact)</b>	<ul style="list-style-type: none"> <li>• Assessment of progress on Justice Reinvestment approach:</li> <li>• Demographic/justice mapping and analysis of data</li> <li>• Development of options</li> <li>• Implementation</li> <li>• Evaluation.</li> <li>• Assessment of progress on Collective Impact approach</li> <li>• Establishment of long-term commitment by a group of important actors from different sectors to a common agenda</li> <li>• Establishment of a shared measurements system</li> <li>• Development of mutually reinforcing activities</li> <li>• Ongoing communication</li> <li>• Development of independent 'backbone' organisation.<sup>35</sup></li> </ul>

**Source:** KPMG

The Justice Reinvestment approach was assessed against alignment with government policy, prevention policy objectives and the potential of the approach to achieve economic benefits. The Maranguka Justice Reinvestment approach was compared to other approaches to reduce Indigenous young people's contact with the justice system. All the approaches (alternative approaches and the Maranguka Justice Reinvestment approach) were assessed according to the criterion shown above. These criterion were selected after review of a number of key policy and research documents. Progress in the implementation of the approach was assessed according to the key elements in each of the theoretical positions (Justice Reinvestment and Collective Impact) on which the project is built.

<sup>35</sup> John Kania and Mark Kramer, 'Collective Impact' Stanford Social Innovation Review (Winter 2011), 39

# Section 3





## 3 Project Rationale

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The following section confirms the research evidence regarding the problem in Bourke and provides a narrative of the key events that have led to the community developed proposed solution. Specifically, the rationale for the project, the scope and size of the social problem and the drivers for change are outlined. The aim of the section is to address the following questions:

- What is the definition of the social problem (scale and scope) and how long has the problem been evident?
- Why has the problem persisted and what are the underlying causes of the problem?
- What is the response of the service system and is the current design of the service delivery system able to successfully address the problem?
- What are the main opportunities identified to improve youth education, training and employment in Aboriginal and Torres Strait Islander communities?

The section begins with an introduction to the town of Bourke. Data is presented to outline the central problem for analysis - the patterns of offending behaviour of young Aboriginal people in Bourke. The context of the offending behaviour and the social and economic conditions which contribute to higher rates of crime are presented. Research is presented that shows persistent disadvantage within the community over the last few decades. The section concludes by outlining previous research and observations regarding the service delivery system in Bourke.

### 3.1 THE BOURKE COMMUNITY

Bourke is located in north-west NSW, 778 kilometres from Sydney. The latest population data from the Australian Bureau of Statistics (ABS) 2011 Census indicates there are approximately 2,868 people living in the Bourke Local Government Area (LGA).<sup>36</sup> Aboriginal peoples account for approximately 30 per cent of the population in the Bourke LGA, or 867 people, which is 12 times higher than the overall rate of Indigenous peoples in the NSW population of 2.5 per cent.<sup>37</sup>

Aboriginal Nations have existed in the area known as NSW for at least 45,000 years, and these Indigenous Nations used more than 38 different Aboriginal language groups.<sup>38</sup> Many Aboriginal peoples lived along the rivers of the Western Division of NSW, which provided plentiful food compared to land away from the major rivers in scrub country.<sup>39</sup> The Ngemba Nation occupied the east bank of the Darling River in the Darling Riverine Plains, in the area that is now known as Bourke.<sup>40</sup>

<sup>36</sup> Australian Bureau of Statistics, Community Profiles, 2011, Bourke Local Government Area (viewed 17 May 2016)

<sup>37</sup> Ibid.

<sup>38</sup> NSW Government, Office of Environment and Heritage, Aboriginal occupation of the Western Division (viewed 17 May 2016).

<sup>39</sup> NSW Government, Office of Environment and Heritage, Aboriginal occupation of the Western Division (viewed 17 May 2016).

<sup>40</sup> NSW Government, Office of Environment and Heritage, Aboriginal occupation of the Western Division (viewed 17 May 2016).



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The community today experiences significant economic and social disadvantage, with location-based studies in 1999,<sup>41</sup> 2004,<sup>42</sup> 2007,<sup>43</sup> and 2015<sup>44</sup> persistently identifying Bourke over a 17 year period as one of the most disadvantaged localities in NSW and the country. The Australian Bureau of Statistics (ABS) Index of Relative Socio-economic Disadvantage (IRSD) in 2011 also ranked Bourke as the twenty-first most disadvantaged LGA in NSW.<sup>45</sup> The Australian Early Development Census (AEDC) is a national measure of children's development, and in 2012 almost one in every two children in Bourke or 43.1 per cent were assessed as developmentally vulnerable, which is 2.1 times higher than the overall rate in NSW in 2012 of 19.9 per cent.<sup>46</sup>

Aboriginal children and young people are arguably the most disadvantaged group in the community, with young people aged 10 to 17 years in Bourke experiencing the highest rate of juvenile convictions, relative to 620 other postcode localities in NSW.<sup>47</sup>

A map of the six youth detention centres in NSW relative to the location of Bourke is presented in Map 3-1 below showing the significant distance between the Bourke community and places of youth detention in NSW.

The case for change to reduce Bourke Aboriginal young people's high rates of involvement with the criminal justice system is confirmed by:

- Section 3.2 which identifies that Bourke Aboriginal young people's offending, re-offending and detention in Bourke is significantly disproportionate, relative to other areas in NSW.
- Section 3.3 which identifies the need to address the underlying economic and social conditions contributing to higher rates of crime in Bourke and higher rates of involvement of Aboriginal youth with the criminal justice system, and the association with a lack of Aboriginal community empowerment.
- Section 3.4 which identifies the need to consider how certain aspects of the criminal justice system contribute to high rates of Aboriginal young people's offending in Bourke.
- Section 3.5 which identifies the need to strengthen the current approach to delivering community services in Bourke to improve outcomes.

**Map 3 1:** Proximity of youth detention facilities in NSW to Bourke



**Source:** KPMG analysis based on NSW Government Department of Justice

<sup>41</sup> T Vinson, 'Unequal in life – the distribution of social disadvantage in Victoria and New South Wales' The Ignatius Centre for Social Policy and Research (August 1999) 80.

<sup>42</sup> T Vinson, 'Community Adversity and Resilience: The distribution of social disadvantage in Victoria and New South Wales and the mediating role of social cohesion' Jesuit Social Services (2004).

<sup>43</sup> T Vinson, M Rawsthorne and B Cooper, 'Dropping off the edge: the distribution of disadvantage in Australia' Jesuit Social Services / Catholic Social Services Australia (2007) 74.

<sup>44</sup> T Vinson, M Rawsthorne, A Beavis, M Ericson, 'Dropping off the edge 2015: persistent communal disadvantage in Australia' Jesuit Social Services / Catholic Social Services Australia (2015) 51.

<sup>45</sup> ABS.Stat BETA, Socio-Economic Indexes for Areas (SEIFA), SEIFA by Local Government Area, (LGA), Index of Relative Socio-economic Disadvantage, 2011, Bourke LGA (viewed 17 May 2015).

<sup>46</sup> Australian Early Development Census, Data Explorer, Bourke, NSW, Percentage of children developmentally vulnerable in 2012.

<sup>47</sup> T Vinson, M Rawsthorne, A Beavis, M Ericson, 'Dropping off the edge 2015: persistent communal disadvantage in Australia, Summary Sheet for NSW', Jesuit Social Services / Catholic Social Services Australia (2015), Postcode 2840.





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## 3.2 INTRODUCTION TO THE CRIMINAL JUSTICE SYSTEM

The criminal justice system in NSW comprises police services, courts and corrective services for adults and children under 18 years of age. The roles of these services and the typical sequencing of their involvement has been described by the Australian Institute of Health and Welfare, as shown in Figure 3 1.

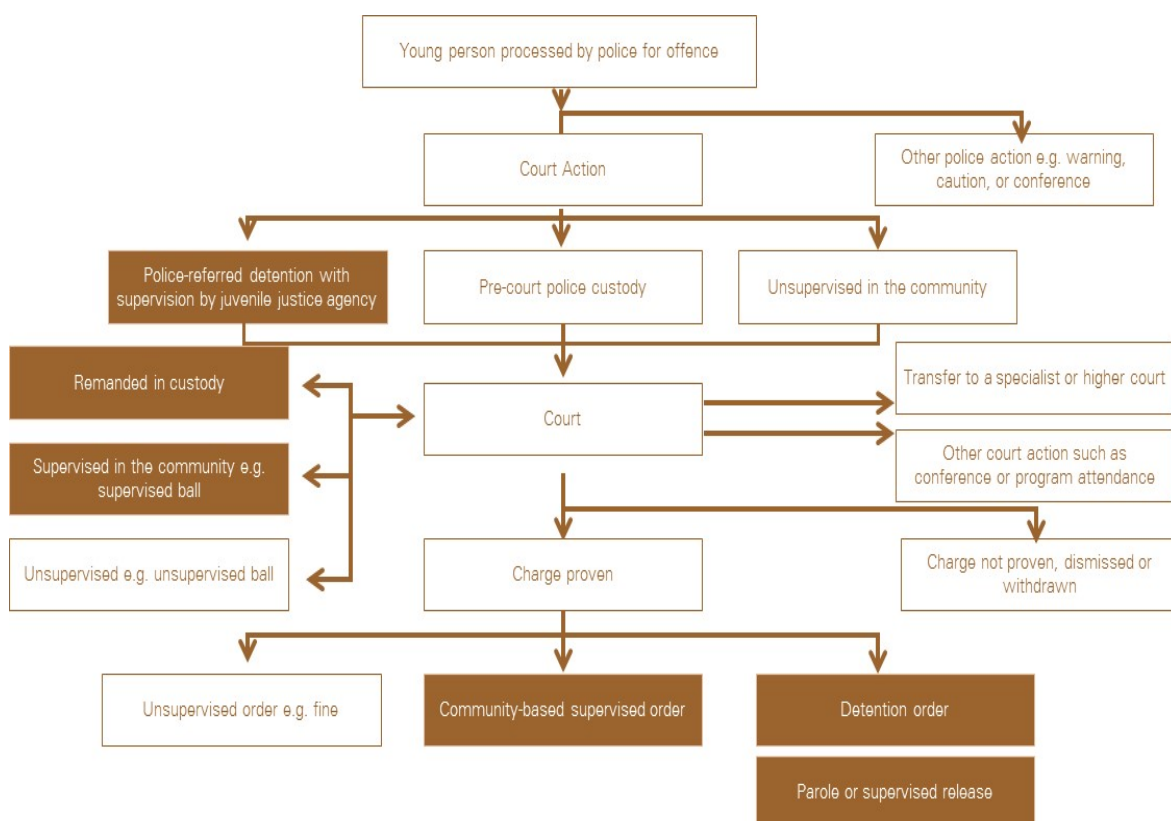
Aboriginal children and young people in Bourke aged between 10 to 25 years enter the criminal justice system at the time a criminal incident comes to the attention of authorities and is recorded by police. Police investigations leading to the identification of an offender may then proceed to court with charges or proceed by other means, for example diversionary measures for young people, a youth justice conference, or a formal caution.

If a charge is made and court proceedings pursued, the local court or specialist children's court can enter summary proceedings for adjudications and sentencing, which may lead to a decision of proven guilty by plea or court finding. Court proceedings may also lead to a finding of not guilty by an acquittal or for other reasons, for example the charge being withdrawn.

For young offenders who are proven guilty, pre-sentencing and sentencing processes take place and a court ordered sentence is made, for example a custodial sentence in a youth detention facility, a community corrections order, or for young offenders over 18 an adult custodial sentence may be made. The NSW criminal justice system is complex and the description provided above does not account for all the possible pathways or outcomes for young offenders.

Bourke Aboriginal young people experience the process of the criminal justice from their own unique perspective. The remote location of Bourke and the limited availability of sitting magistrates to hear matters at the local court, for example, may influence the length of time a young person is remanded in police custody before court proceedings commence.

**Figure 3 1** Overview of the youth justice system in Australia



**Source:** Australian Institute of Health and Welfare, youth justice system in Australia.



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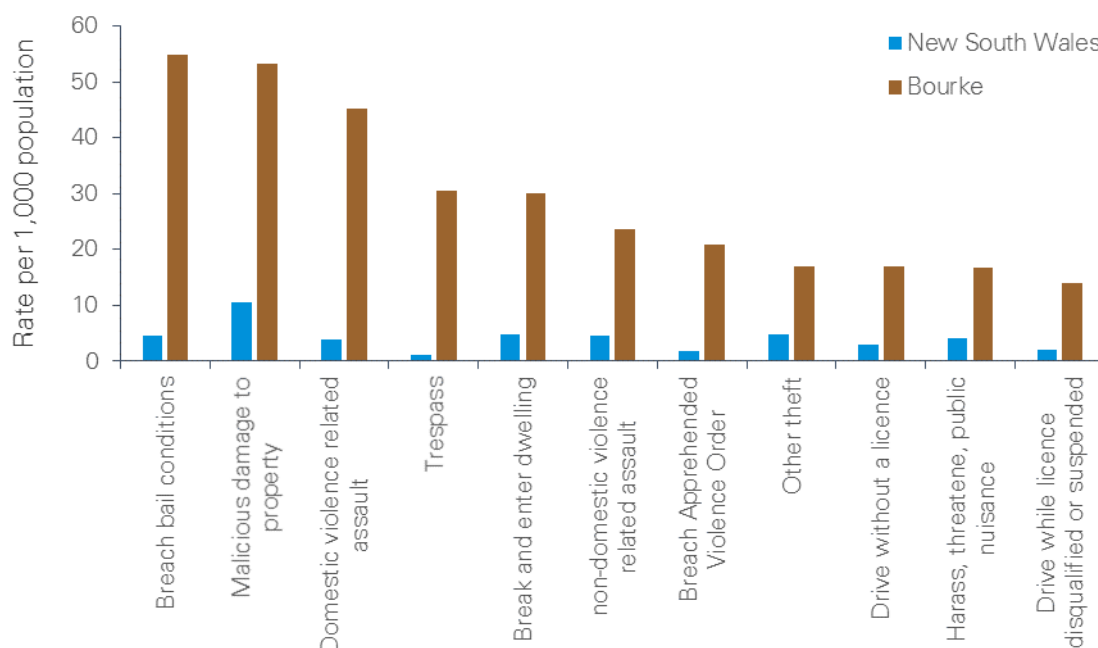
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### 3.3 BOURKE ABORIGINAL YOUNG PEOPLE'S OFFENDING, REOFFENDING AND DETENTION

The rates at which offences are recorded by police against Aboriginal children and young people aged 10 to 24 years in Bourke are significantly higher, relative to the overall rates in NSW. For example, police recorded offences of breach of bail conditions are 12.3 times higher, malicious damage to property offences are 5.1 times higher, and domestic violence related assault offences are 11.6 times higher<sup>48</sup> as Chart 3 1 below illustrates.

**Chart 3 1.** Top 11 offences recorded against Indigenous children and young people aged 10 to 24 years in Bourke LGA and NSW, 2013



**Source:** NSW Bureau of Crime Statistics and Research, *Incidents of the top 20 offences recorded by Indigenous persons of Interest (POIs) aged 10 to 24 in Bourke LGA for Bourke LGA and NSW: Number, rates and ranks, 2013*. From Table J.BOC SAR.28 of *Just Reinvest NSW Bourke Data Dictionary* (9 May 2016).

The following sections outline the high rates of Bourke Aboriginal children and young people's involvement in the criminal justice system, against selected offences.

#### 3.3.1 Breach of bail conditions

There were 168 police recorded incidents of breach of bail conditions against Aboriginal children and young people aged 10 to 24 years in the Bourke LGA in 2013, with the offences recorded against this group at a rate 12.3 times higher than the overall rate in NSW.<sup>49</sup> In 2012-13, there were 56 police initiated proceedings to court against Aboriginal young people under 25 years of age in Bourke for the offence of breach of bail conditions.<sup>50</sup>

<sup>48</sup> Above, note 8, Table J.BOC SAR.28.

<sup>49</sup> Above, note 8, Table J.BOC SAR.28.

<sup>50</sup> Above, note 8, Table J.BOC SAR.4.



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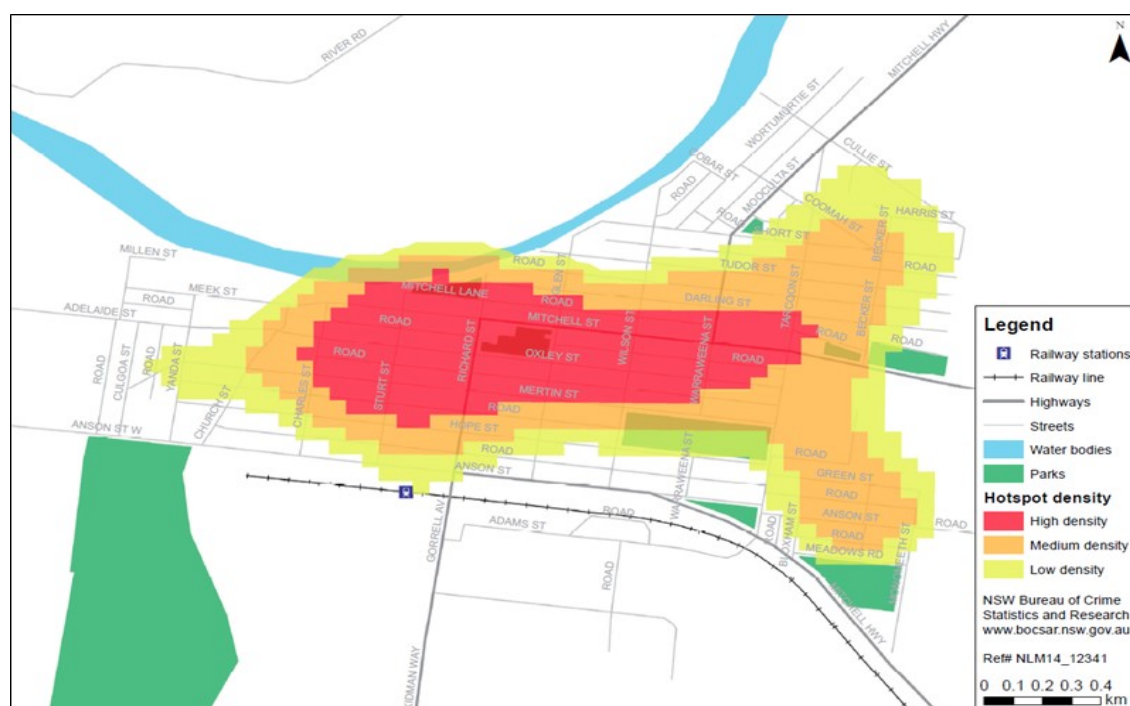
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### 3.3.2 Malicious damage to property

There were 163 police recorded incidents of malicious damage to property against Aboriginal children and young people aged 10 to 24 years in the Bourke LGA in 2013, with the offence recorded against this group at a rate 5.1 times higher than the overall rate in NSW.<sup>51</sup> In 2012-13, there were 10 police initiated proceedings to court against Aboriginal young people under 25 years of age in Bourke for the offence of malicious damage to property.<sup>52</sup>

The Bourke LGA has the highest rate of police recorded incidents of malicious damage to property, relative to any other LGA in NSW.<sup>53</sup> Almost all offenders in this category in Bourke are: Aboriginal (95 per cent), male (90 per cent), and aged 10 to 24 years (80 per cent).<sup>54</sup> Figure 3-2 shows the hotspots of incidents of malicious damage to property in Bourke between April 2013 and March 2014.

**Figure 3 2.** Hotspots of incidents of malicious damage to property in Bourke, April 2013 to March 2014



**Source:** NSW Bureau of Crime Statistics and Research, 'Malicious damage to property offences in Bourke Local Government Area' 100 Crime and Justice Statistics Bureau Brief (2014) 4

### 3.3.3 Domestic violence related assault and non-domestic violence assault

The Bourke LGA has the highest rate of police recorded incidents of assault compared to any other LGA in NSW.<sup>55</sup> Domestic assaults are 10.2 times higher, non-domestic assaults are 5.8 times higher, sexual assaults are 5.5 times higher, and assaults against police are 12.4 times higher in the Bourke LGA, relative to the overall rate in NSW, as shown in Chart 3-2.

<sup>51</sup> Above, note 8, Table J.BOCAR.28.

<sup>52</sup> Above, note 8, Table J.BOCAR.4.

<sup>53</sup> NSW Bureau of Crime and Statistics and Research, NSW Crime Tool, Incidents of malicious damage to property in the Bourke LGA from January 2015 to December 2015 (2016).

<sup>54</sup> NSW Bureau of Crime Statistics and Research, 'Malicious damage to property offences in Bourke Local Government Area' 100 Crime and Justice Statistics Bureau Brief (2014) 5-6.

<sup>55</sup> NSW Bureau of Crime and Statistics and Research, NSW Crime Tool, Incidents of assault in the Bourke LGA from January 2015 to December 2015 (2016).



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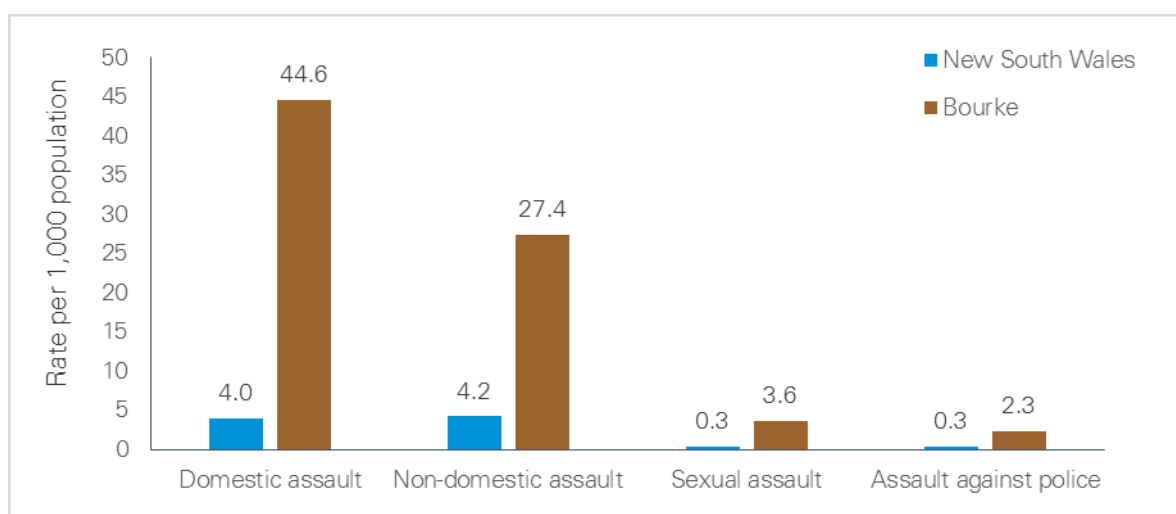
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**Chart 3 2.** Rate of police recorded incidents of assault from January 2015 to December 2015, by Bourke LGA and NSW



**Source:** NSW Bureau of Crime and Statistics and Research, *NSW Crime Tool, Incidents of assault in the Bourke LGA from January 2015 to December 2015 (2016)*

There were 138 police recorded incidents of domestic violence related assault against Aboriginal children and young people aged 10 to 24 years in the Bourke LGA in 2013, with the offence recorded against this group at a rate 11.6 times higher than the overall rate in NSW.<sup>56</sup> In 2012-13, there were 44 police initiated proceedings to court against Aboriginal young people under 25 years of age in Bourke for the offence of domestic violence related assault.<sup>57</sup>

There were 72 police recorded incidents of non-domestic violence related assault against Aboriginal children and young people aged 10 to 24 years in the Bourke LGA in 2013, with the offence recorded against this group at a rate five times higher than the overall rate in NSW.<sup>58</sup> In 2012-13, there were seven police initiated proceedings to court against Aboriginal young people under 25 years of age in Bourke for the offence of domestic violence related assault.<sup>59</sup>

### 3.3.4 Trespass

There were 93 police recorded incidents of trespass against Aboriginal children and young people aged 10 to 24 years in the Bourke LGA in 2013, with the offence of trespass recorded against this group at a rate 25.2 times higher than the overall rate in NSW.<sup>60</sup> In 2012-13, there were 14 police initiated proceedings to court against Aboriginal young people under 25 years of age in Bourke for the offence of trespass.<sup>61</sup>

### 3.3.5 Break and enter dwelling

There were 92 police recorded incidents of break and enter dwelling against Aboriginal children and young people aged 10 to 24 years in the Bourke LGA in 2013, with the offence recorded against this group at a rate 6.2 times higher than the overall rate in NSW.<sup>62</sup> In 2012-13, there were 10 police initiated proceedings to court against Aboriginal young people under 25 years of age in Bourke for the offence of break and enter dwelling.<sup>63</sup>

<sup>56</sup> Above, note 8, Table J.BOC SAR.28.

<sup>57</sup> Above, note 8, Table J.BOC SAR.4.

<sup>58</sup> Above, note 8, Table J.BOC SAR.28

<sup>59</sup> Above, note 8, Table J.BOC SAR.4

<sup>60</sup> Above, note 8, Table J.BOC SAR.28

<sup>61</sup> Above, note 8, Table J.BOC SAR.4

<sup>62</sup> Above, note 8, Table J.BOC SAR.28

<sup>63</sup> Above, note 8, Table J.BOC SAR.4





### 3.3.6 Motor vehicle theft

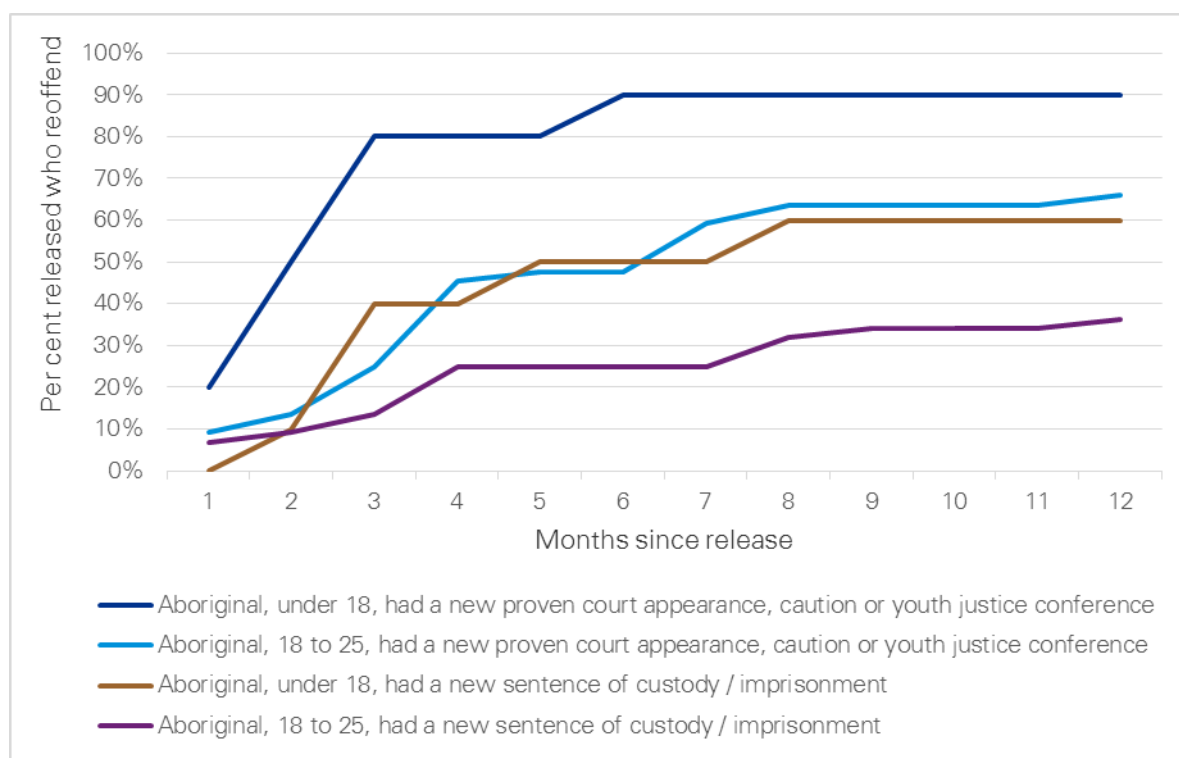
There were 23 police recorded incidents of motor vehicle theft against Aboriginal children and young people aged 10 to 24 years in the Bourke LGA in 2013, with the offence recorded against this group at a rate 3.4 times higher than the overall rate in NSW.<sup>64</sup> In 2012-13, there were 12 police initiated proceedings to court against Aboriginal young people under 25 years of age in Bourke for the offence of motor vehicle theft.<sup>65</sup>

### 3.3.7 Reoffending

Reoffending rates show that Aboriginal young people under 26 years of age from the Bourke LGA are cycling back and forth from detention each year.

In 2013, 90 per cent of those under 18 years of age and 66 per cent of those aged 18 to 25 years who were released from sentenced custody/imprisonment had within 12 months of release a new proven court appearance, caution or youth justice conference; 60 per cent of those under 18 years of age and 37 per cent of those aged 18 to 25 years who were released had within 12 months a new sentence of custody/imprisonment, as shown in Chart 3-3 below.<sup>66</sup>

**Chart 3 3.** *Aboriginal young people under 26 years of age released from sentenced custody/imprisonment whose LGA of residence is Bourke and who had a new proven offence within 12 months of release, by age at admission, by Indigenous status, 2013*



**Source:** NSW Bureau of Crime Statistics and Research, *Reoffending - number of people released from sentenced prison/juvenile detention custody whose LGA of residence is Bourke, with a new proven offence within 12 months of release by adult status, age at admission and Indigenous status, 2012 and 2013*. From Table J.BOCSAR.33 of *Just Reinvest NSW Bourke Data Dictionary* (9 May 2016).

<sup>64</sup> Above, note 8, Table J.BOCSAR.28

<sup>65</sup> Above, note 8, Table J.BOCSAR.4

<sup>66</sup> Above, note 8, Table J.BOCSAR.33.



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### 3.3.8 Court finalisations

In 2012-13, there were 84 Aboriginal young people aged 18 to 24 years who were found guilty in the Local Court, and 38 under 25 years of age who were found guilty in the Children's Court.<sup>67</sup>

### 3.3.9 Youth justice conferences

Aboriginal young people under 25 years of age in Bourke were involved in three youth justice conferences as offenders in 2012-13.<sup>68</sup>

### 3.3.10 Community supervision

In 2012-13, there were a total of 38 Aboriginal children and young people aged 10 to 25 years from the Bourke LGA who were sentenced to a community supervision order, with the average duration of orders ranging from 50 hours to 13 months as shown in Table 3-1.

**Table 3 1.** Number of Aboriginal children and children and young people aged 10 to 25 years who reside in the Bourke LGA who were sentenced to a community supervision for their principal offence

Age group	Penalty	Persons found guilty	Average penalty duration
10 to 17 years	Suspended sentence with supervision	1	10 months
	Community Service Order	1	50 hours
	Juvenile probation order	7	12 months
	Bond with supervision	7	9 months
18 to 25 years	Suspended sentence with supervision	6	8 months
	Community Service Order	2	48 hours
	Bond with supervision	14	13 months

**Source:** NSW Bureau of Crime Statistics and Research (1 June 2016)

### 3.3.11 Custody and imprisonment

In 2013, there were 121 Aboriginal young people under 26 years of age from the Bourke LGA who were released from sentenced custody/imprisonment.<sup>69</sup> In 2012-13:

- There were 19 Aboriginal children aged 10 to 17 years received into juvenile custody and who spent an average of 40 days each in custody; and four already in custody who spent an average of 149 days each in custody;
- There was one Aboriginal young person aged 18 to 25 years received into juvenile custody who spent 69 days in custody;
- There were 43 Aboriginal young people aged 18 to 25 years received into adult custody who spent an average of 62 days each in custody; and 11 already in custody who spent an average of 193 days each in custody.<sup>70</sup>

In total in 2012-13, there were 1,425 days spent in juvenile custody by Aboriginal children and young people aged 10 to 25 years, and 4,789 days spent in adult custody by Aboriginal young people aged 18 to 25 years from the Bourke LGA, as shown in Chart 3-4 below.

<sup>67</sup> Above, note 8, Table J.BOC SAR.14.

<sup>68</sup> Above, note 8, Table J.BOC SAR.4.

<sup>69</sup> Above, note 8, Table J.BOC SAR.33

<sup>70</sup> NSW Bureau of Crime Statistics and Research, NSW Custody Statistics for Financial Year 2012-13 (1 June 2016)



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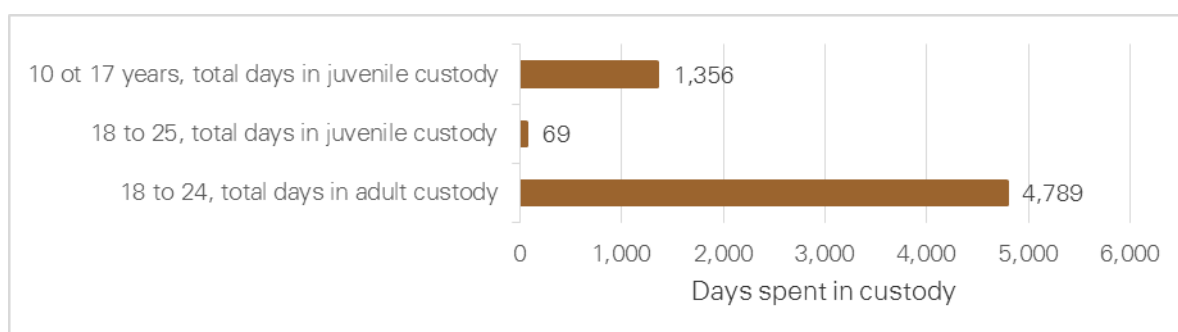
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**Chart 3 4.** Total number of days Aboriginal children and young people aged 10 to 25 years from the Bourke LGA spent in custody, by custody type, in 2013-13

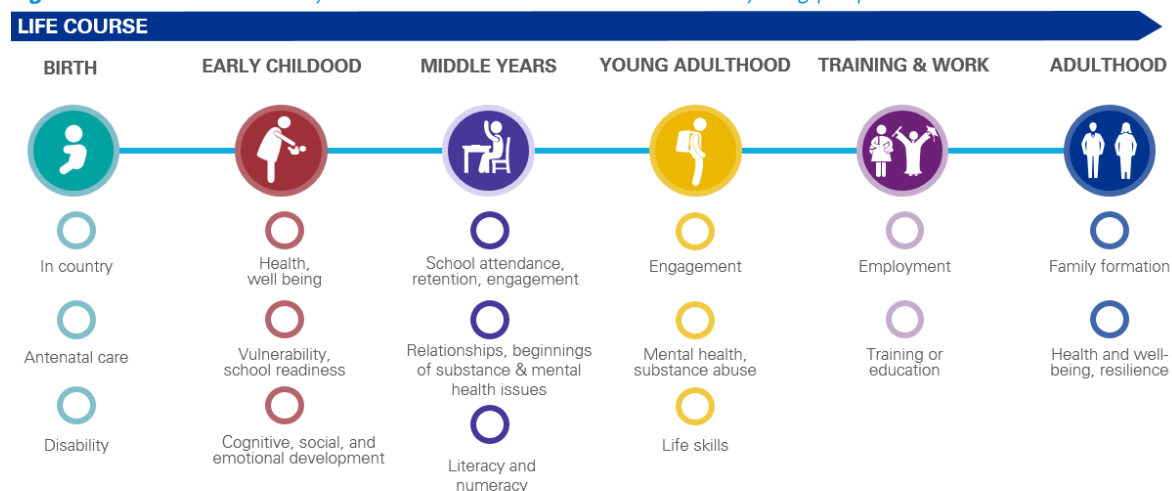


**Source:** NSW Bureau of Crime Statistics and Research, NSW Custody Statistics for Financial Year 2012-13 (1 June 2016).

### 3.4 LIFECOURSE ANALYSIS

Adopting a life course analysis, there are key transition stages in a child's development. Critical life stages include birth, early childhood, the middle years and young adulthood. The individual child's experience, in an ecological perspective is underpinned by their experience within their family, extended family and community. Critical transitions and dimensions that are associated with positive or negative life trajectories are also shown in Figure 3-3 below. Detailed data and specific evidence relating to these dimensions within the Bourke context are further outlined in the following sections.

**Figure 3 3 – Life course analysis and social and economic context of young people in Bourke**



Family and extended family
Community
RELATIONSHIPS AND ROLE MODELS (Domestic and family violence, parenting)
ROLE OF ABORIGINAL PEOPLE WITHIN THE COMMUNITY (Empowerment, leadership)
ECONOMIC CONDITIONS & EMPLOYMENT (Urban drift, opportunities)
LIVING CONDITIONS (Housing)
RESOURCES (Geographic location, health, social services, justice system)

**Source:** KPMG



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### 3.5 ECONOMIC AND SOCIAL CONTEXT OF CRIME

This section explores the context of Bourke including the underlying economic and social conditions which are likely to lead to higher rates of offending.

Research conducted for the Senate's Legal and Constitutional Affairs References Committee identified underlying economic and social conditions as a primary driver behind young people's offending and detention in Australia.<sup>71</sup> Research published more than four decades ago shows that young people's offending in Australia is primarily driven by a "web of mutually reinforcing factors" that cause structural disadvantage.<sup>72</sup> Professor Vinson AM, one of Australia's leading social scientists commented in 1975 that:

*The fact that it has been possible to identify a small group of disadvantaged and delinquent suburbs encourages the view that we should be expanding the range of strategies to combat delinquency on a sociological or, more specifically, neighbourhood level. The present findings have gone far towards challenging the current practice of locating the causes of and remedies for delinquency within the individual. We may imagine the "structure of disadvantage" as being the outcome of a web of mutually reinforcing factors, mostly unobserved and unobservable, which act on individuals and families to produce the phenomenon of being at risk.*<sup>73</sup>

Vinson's later place-based research on locational disadvantage in Australia has shown over a two decade period that communities burdened by family and community violence, low education, lack of formal qualifications and unemployment experience significantly higher rates of young people's offending and detention.<sup>74</sup> Early child development and negative childhood experiences have also been identified as contributing to a higher risk of persistent offending over the life-course.<sup>75</sup>

These economic and social conditions which contribute to higher rates of crime are both present and prevalent in Bourke, with Vinson's 2015 study identifying family and community violence, children and young people not doing well at school or transitioning to work, and the developmental vulnerability of young children as significant issues in the Bourke area. Entrenched economic and social disadvantage has been identified in Bourke over a 17 year period, since Vinson's first place-based study on unequal life outcomes in Australian communities in 1999.<sup>76 77 78 79</sup> The ABS IRSD also ranked Bourke as the twenty-first most disadvantaged LGA in NSW in 2011,<sup>80</sup> and the Australian Early Development Census (AEDC) in 2012 found that one in every two children in Bourke were developmentally vulnerable.<sup>81</sup>

Table 3-2 below shows the ranking of Bourke, relative to 620 other postcode localities in NSW, using a selection of Vinson's indicators of economic and social disadvantage from his latest study in 2015. In interpreting the rankings, it is important to note that, in the band of disadvantage, 1 per cent is the most disadvantaged.

<sup>71</sup> Commonwealth of Australia, Senate Legal and Constitutional Affairs References Committee, Value of a justice reinvestment approach to criminal justice in Australia (June 2013) 7, 2.23.

<sup>72</sup> T Vinson and R Homel, 'The coincidence of medical and social problems in an Australian city' 15(1) British Journal of Criminology (1975) 29.

<sup>73</sup> T Vinson and R Homel, 'The coincidence of medical and social problems in an Australian city' 15(1) British Journal of Criminology (1975) 29.

<sup>74</sup> T Vinson, M Rawsthorne, A Beavis, M Ericson, 'Dropping off the edge 2015: persistent communal disadvantage in Australia' Jesuit Social Services / Catholic Social Services Australia (2015) 9.

<sup>75</sup> A Stewart, S Dennison and E Waterson, 'Pathways from child maltreatment to juvenile offending' 241 Australian Institute of Criminology, Trends and Issues (2002) 2.

<sup>76</sup> T Vinson, 'Unequal in life – the distribution of social disadvantage in Victoria and New South Wales' The Ignatius Centre for Social Policy and Research (August 1999) 80.

<sup>77</sup> T Vinson, 'Community Adversity and Resilience: The distribution of social disadvantage in Victoria and New South Wales and the mediating role of social cohesion' Jesuit Social Services (2004).

<sup>78</sup> T Vinson, M Rawsthorne and B Cooper, 'Dropping off the edge: the distribution of disadvantage in Australia' Jesuit Social Services / Catholic Social Services Australia (2007) 74.

<sup>79</sup> T Vinson, M Rawsthorne, A Beavis, M Ericson, 'Dropping off the edge 2015: persistent communal disadvantage in Australia' Jesuit Social Services / Catholic Social Services Australia (2015) 51.

<sup>80</sup> ABS.Stat BETA, Socio-Economic Indexes for Areas (SEIFA), SEIFA by Local Government Area, (LGA), Index of Relative Socio-economic Disadvantage, 2011, Bourke LGA (viewed 17 May 2015).

<sup>81</sup> Australian Early Development Census, Data Explorer, Bourke, NSW, Percentage of children developmentally vulnerable in 2012.



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**Table 3 2:** Selected indicators of economic and social disadvantage, Bourke, 2015

Indicator	Definition	Rank	Band of disadvantage
<b>Juvenile convictions</b>	Rate per 1,000 people aged 10-17 years convicted or found guilty of crime in the area	1	Top 1 per cent
<b>Criminal convictions</b>	Rate per 1,000 people aged 18-49 years convicted of crime in the area	4	Top 1 per cent
<b>Domestic violence</b>	Rate of domestic/family violence orders per 1,000 population aged 18-64 years in the area	4	Top 1 per cent
<b>Prison admissions</b>	Rate per 1,000 people aged 18-49 years admitted to prison in the area	4	Top 1 per cent
<b>Readiness schooling</b>	Proportion of all children tested for language and cognitive skills (school-based) and assessed as being 'developmentally vulnerable' in the area	12	Top 2 per cent
<b>Year 3 reading</b>	Proportion of Year 3 students not "at or above national minimum standard percentage" on the reading assessment scales in the area	12	Top 2 per cent
<b>Long-term unemployment</b>	Proportion of the workforce (ABS definition) aged 18-64 years in receipt of Newstart for one year or more in the area	16	Top 2 per cent
<b>Year 9 reading</b>	Proportion of Year 9 students not "at or above national minimum standard percentage" on the reading assessment scales in the area	21	Top 3 per cent
<b>Year 3 numeracy</b>	Proportion of Year 3 students not "at or above national minimum standard percentage" on the numeracy assessment scales in each counting area	26	Top 4 per cent
<b>Young adults not engaged</b>	Proportion of 17-24 year olds neither engaged in full-time study or work in the area	27	Top 4 per cent
<b>Unemployment</b>	Proportion of the workforce (ABS definition) aged 18-64 years in receipt of Newstart in the area	27	Top 4 per cent
<b>Year 9 numeracy</b>	Proportion of Year 9 students not "at or above national minimum standard percentage" on the numeracy assessment scale in the area	48	Top 7 per cent
<b>Overall education</b>	Proportion of the population in the area aged 16-65 year who left school before 15 years of age	57	Top 9 per cent
<b>Internet access</b>	Proportion of households without access to the internet in the area	80	Top 12 per cent

**Source:** T Vinson, M Rawsthorne, A Beavis, M Ericson, 'Dropping off the edge 2015: persistent communal disadvantage in Australia, Summary Sheet for NSW', Jesuit Social Services / Catholic Social Services Australia (2015), Postcode 2840



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NSW Government has developed an actuarial-style risk instrument to enable more precise and accurate identification of risk levels among criminal offenders, and has identified a series of characteristics that are more likely to be present among high risk offender, relative to lower-risk offenders:

- higher levels of antisocial personality traits such as impulsivity, hostility, inability to delay gratification, risk taking, pleasure seeking, disregard for others, callousness, etc;
- poor cognitive abilities, including problem solving skills and poor emotional coping/ability to tolerate distress;
- antisocial associations and lack of pro-social associations;
- antisocial thinking styles and values/beliefs that are supportive of offending;
- started to experiment, use and abuse drugs and alcohol at an earlier age and more likely to experience early severe dependence;
- raised in dysfunctional, chaotic families;
- co-morbid psychiatric issues such as psychotic, affective and anxiety disorders, which are independent of offending behaviour;
- personality disorders, particularly antisocial and borderline personality disorder;
- experienced multiple traumas;
- complex, dynamic psychosocial issues relating to education, accommodation, relationships, chronic unemployment and subsequent financial problems, unstructured and antisocial leisure activities, and social alienation; and
- low levels of literacy and numeracy.<sup>82</sup>

Associated with the underlying economic and social conditions which contribute to higher rate of offending in Indigenous communities is a lack of community empowerment. There is an emerging evidence-base to show that Indigenous self-governance is a precursor to improving economic and social conditions in Indigenous communities.<sup>83,84</sup> The main justifications to support Indigenous self-governance and the conditions for support are outlined in Table 3-3: below.

**Table 3 3: Approaches to Indigenous self-governance**

Indigenous self-governance approach	Standard approach
<b>Indigenous Nations comprehensively assert decision-making power</b>	Persons or organisations other than the Indigenous Nations set the development agenda
<b>They back up decision-making with effective governing institutions</b>	Development is primarily treated as an economic problem
<b>Their governing institutions match their political culture</b>	Indigenous culture is viewed as an obstacle to development
<b>Decision-making is strategic</b>	Decision-making is short-term and not strategic
<b>Leaders serve as nation builders and mobilisers</b>	Elected leadership serves primarily as a distributor of resources

**Source:** S Cornell and J Kalt, 'Two Approaches to the Development of Native Nations: One Works, the Other Doesn't' in M Jorgensen (ed), *Rebuilding Native Nations: Strategies for Governance and Development* (2007) 3, pp 7, 19.

<sup>82</sup> NSW Government, Market sounding: reducing re-offending and return to custody among paroles (February 2015) 7.

<sup>83</sup> Stephen Cornell, 'Process of Native Nationhood: The Indigenous Politics of Self-government' 6(4) *The International Indigenous Policy Journal* (2015).

<sup>84</sup> University of Melbourne, Research project: Indigenous Nation Building (2016).



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Family and community violence, young people not doing well at school or transitioning to work, and young children's developmental vulnerability are present and prevalent conditions in Bourke, and these conditions have been identified by the Productivity Commission as significant drivers of long-term disadvantage in Indigenous communities in Australia.<sup>85</sup> The following sections present the latest information from the Productivity Commission about these drivers of disadvantage, and some of the opportunities to improve outcomes.

### 3.5.1 Family and community violence

While the Productivity Commission has reported that family and community violence is a significant driver of disadvantage in Indigenous communities in Australia (see Box 3-1 below), too little is known about the main opportunities to improve outcomes. The dearth of evidence about what works to prevent family and community violence is one of the main reasons why Australia's National Research Organisation for Women's Safety was established, and tasked with developing a research agenda to develop evidence about what services responses and interventions work, what system-level responses are effective, and how research can be translated into practice.<sup>86</sup>

**Box 3 1:** *Family and community violence as a driver of advantage or disadvantage in Indigenous communities*

#### **Family and community violence in Indigenous communities**

*The Productivity Commission's Overcoming Indigenous Disadvantage report identifies that family and community violence in Aboriginal and Torres Strait Islander communities has a significant impact on the short- and long-term health and welfare of individuals, families and communities.*

*It is recognised that violence can result in physical and mental illness, sexually transmitted diseases, substance use, homelessness, poverty, hospitalisation, and in some cases death. Alcohol is recognised as a significant contributor to violence, and Aboriginal and Torres Strait Islander men are a significant proportion of offenders and victims, with females equally as likely to be victims.*

**Source:** *Productivity Commission, Overcoming Indigenous Disadvantage: Key Indicators (2014) 4.88-4.90*

### 3.5.2 Aboriginal young people's education, training and employment outcomes

Low educational attainment has been "inextricably linked to contact with the criminal justice system"<sup>87</sup> and a driver of long-term disadvantage. The Bourke community experiences high levels of disadvantage related to children's and young people's numeracy, reading, early exit from school before 15 years of age, and disengagement from education or training after compulsory schooling.<sup>88</sup>

The rate of secondary school attendance for Aboriginal children and young people at Bourke High School was 68 per cent in 2014,<sup>89</sup> which is significantly lower than the overall rate in NSW in 2014 for Aboriginal students (85.9 per cent), and non-Indigenous students, (92.8 per cent).<sup>90</sup> Rates of school attendance also steadily decrease as Aboriginal children and young people in Bourke grow older, as shown in Chart 3-5 below. Data for Year 12 is not available because too few Aboriginal students were enrolled to enable reporting.

<sup>85</sup> Productivity Commission, *Overcoming Indigenous Disadvantage: Key Indicators* (2014).

<sup>86</sup> Australia's National Research Organisation for Women's Safety, *Research Program 2014-16* (2016).

<sup>87</sup> J Guthrie, M Levy, C Fforde, 'Investment in prisons: an investment in social exclusion?' 1(2) *Griffith Journal of Law and Human Dignity* (2013) 274.

<sup>88</sup> T Vinson, M Rawsthorne, A Beavis, M Ericson, 'Dropping off the edge 2015: persistent communal disadvantage in Australia, Summary Sheet for NSW', Jesuit Social Services / Catholic Social Services Australia (2015), Postcode 2840

<sup>89</sup> Above, note 8, Table EDU.4.

<sup>90</sup> NSW Department of Education, Centre for Education Statistics and Evaluation, *School attendance rates by Aboriginality and year level, 2014* (2015).



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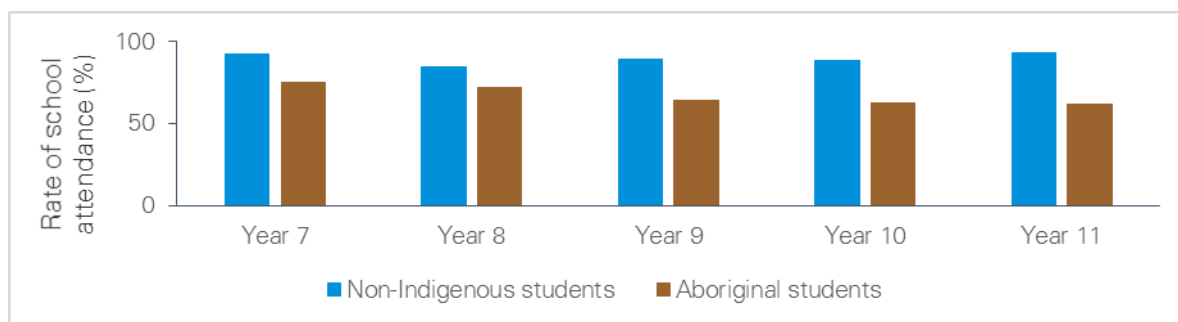
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**Chart 3 5.** School attendance at Bourke High School for the full year, by Aboriginal status, by scholastic year, 2014



**Source:** Statistics Unit, Centre for Education Statistics and Evaluation, NSW Department of Education, Attendance data (full year) by Aboriginal status and scholastic year, Bourke High School, 2010-2014. From Table EDU.4 of Justice Reinvest NSW Bourke Data Dictionary (9 May 2016).

The main opportunities to improve youth education, training and employment in Aboriginal and Torres Strait Islander communities identified by the Productivity Commission are shown in Box 3-2 below.

**Box 3 2:** Young people's education, training and employment outcomes as a driver of advantage or disadvantage in Indigenous communities

### **Young people's education, training and employment outcomes in Indigenous communities**

The Productivity Commission's *Overcoming Indigenous Disadvantage* report recognises the strong links between higher levels of education and improved health outcomes for Aboriginal and Torres Strait Islander peoples, and it prioritises actions to improve primary and secondary school attendance, teacher quality, school engagement and young people's transition from school.

Regular school attendance is important to achieving core skills, such as literacy and numeracy, and there is a direct relationship between the number of days absent from school and academic performance. School attendance has been found to be influenced by parental insistence that children go to school, teacher quality, bullying and teasing.

Teacher quality is considered the most important 'in-school' influence on student educational outcomes, and while there is a lack of systematic evaluation to identify the most effective combination of measures to address educational disadvantage, it is clear that improving teacher quality is an important precondition. Attracting and retaining teachers, leaders and support staff who have the skills, knowledge and capabilities to appropriately meet the learning needs of students in schools with higher proportions of disadvantaged students is a priority issue to be addressed.

School engagement is also important to achieving improved educational outcomes, and while relatively few studies have considered how the concept relates to Aboriginal and Torres Strait Islander students, research has identified four main components: positive self-identity, including feelings about one's self and culture; belonging, including cultural connectedness and connectedness with peers; participation, including following rules and active involvement in learning tasks; and attendance.

Aboriginal young people who do not successfully transition from school to work are at risk of long-term disadvantage. Levels of education are key contributors to labour market success and school leavers without a formal school qualification may have few opportunities for work, and as time passes, their chances of gaining employment are likely to decline further.

**Source:** Productivity Commission, *Overcoming Indigenous Disadvantage: Key Indicators (2014)* 7-7.18





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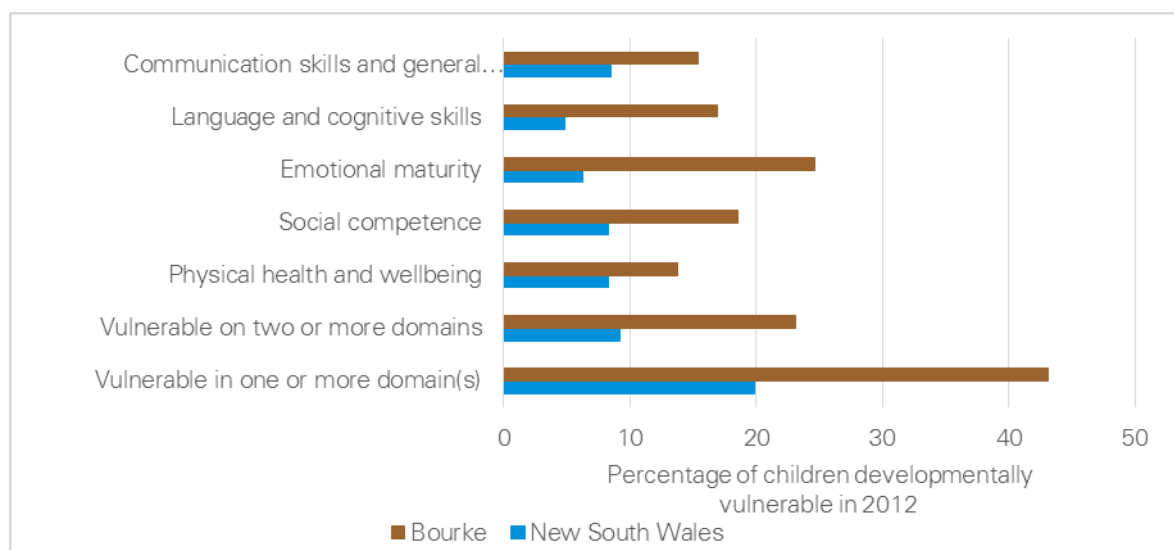
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### 3.5.3 Aboriginal early child development outcomes

The AEDC assesses developmental vulnerability in children across five domains: physical health and wellbeing, social competence, emotional maturity, language and cognitive skills, and communication skills. It is a national measure of children's development, and in 2012 almost one in every two children in Bourke or 43.1 per cent were assessed as developmentally vulnerable, which is 2.1 times higher than the overall rate in NSW in 2012 of 19.9 per cent.<sup>91</sup> Chart 3-6 below shows that young children in Bourke experience a substantial level of developmental vulnerability, and at rates significantly higher relative to the whole of NSW.

**Chart 3 6.** *Percentage of children assessed as developmentally vulnerable in Bourke and NSW, 2012*



**Source:** Australian Early Development Census, Data Explorer, Percentage of children developmentally vulnerable in 2015, Bourke community overview

The main opportunities to improve early child development outcomes in Aboriginal and Torres Strait Islander communities identified by the Productivity Commission are shown in Box 3-3 below.

**Box 3 3:** *Early child development outcomes as a driver of advantage or disadvantage in Indigenous communities*

#### Early child development outcomes in Indigenous communities

The Productivity Commission's *Overcoming Indigenous Disadvantage* report identifies that the main areas of opportunity to improve early child development outcomes in Aboriginal and Torres Strait Islander communities include: antenatal care; health behaviours during pregnancy; teenage birth rate; birth weight; early childhood hospitalisations; injury and preventable disease; ear health; and basic skills for life and learning.

Providing antenatal care, information and early screening to expectant mothers can identify and help manage issues that may affect birth outcomes. Inadequate or late access to quality antenatal care has been associated with poor pregnancy outcomes, such as prematurity, increased delivery intervention, low birth weight, and the impact of low birth weight, including proneness to ill health and greater risk of dying during the first year of life. Aboriginal and Torres Strait Islander women are also at a higher risk of giving birth to low birth weight babies and have greater exposure to other risk factors such as anaemia, poor nutritional status, hypertension, diabetes, genital and urinary tract infections and smoking.

<sup>91</sup> Australian Early Development Census, Data Explorer, Bourke, NSW, Percentage of children developmentally vulnerable in 2012.



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*Improving health behaviours during pregnancy, for example by reducing tobacco smoking, excessive drinking and illicit substance use can improve outcomes for both the mother and children, as well as reduce the risk of miscarriage, stillbirth, foetal growth restriction, congenital anomalies, premature birth and low birth weight.*

*Teenage births are associated with lower incomes and poorer educational attainment and employment for young parents, as well as higher rates of foetal complications during pregnancy.*

*Birth weight is an important indicator of health status, with low birth weight babies requiring longer periods of hospitalisation after birth and being more likely to have poor health, or even die in infancy and childhood, as well as experience poorer health outcomes later in life.*

*Early childhood hospitalisations provide a broad indicator of the scale of serious health issues experienced by children.*

*Injury and preventable disease, such as recurring skin and throat infections, can be successfully prevented or treated without hospitalisation, and access to effective and appropriate health care services, for example immunisation services, can positively influence the health of children in the short and long term.*

*Ear health and recurring ear infections, if not treated early, can become chronic and lead to hearing impairment, which in turn can affect children's capacity to acquire verbal language, intellectual development, social skills, educational attainment and employment outcomes later in life.*

*Basic skills for life and learning, and the development of children in their early years up to eight years of age, early social and cognitive development of children provides the foundations upon which later relationships and formal learning depend.*

**Source:** Productivity Commission, *Overcoming Indigenous Disadvantage: Key Indicators (2014)* 6.1-6.8

## 3.6 THE CRIMINAL JUSTICE SYSTEM

Beyond the need to address the underlying economic and social conditions which contribute to higher rates of Aboriginal young people's offending in Bourke, there is also a need to consider how aspects of the criminal justice system itself contributes to Bourke Aboriginal young people's involvement.

Breach of bail conditions, for example, was the most common offence recorded against Aboriginal children and young people aged 10 to 24 years in Bourke in 2013, ranking Bourke as the number one LGA in NSW for this type of offence.<sup>92</sup> Breaches of bail relate to curfew, non-association requirements, no-contact orders, place restrictions, residency requirements, reporting requirements, drug and alcohol restrictions, and committing further offences.<sup>93</sup>

Data about breach of bail conditions recorded against all Aboriginal offenders in Bourke in 2014-15 shows that only 21 per cent of breaches relate to committing further offences, with almost four in five breaches, or 79 per cent, relating to the conditions of the bail requirement.<sup>94</sup>

There is evidence at the national level in Australia to show that some offenders may face difficulties complying with or meeting strict bail conditions, with the result being higher rates of recorded breaches and possible custody in remand for the breach.<sup>95</sup>

<sup>92</sup> Above, note 8, Table J.BOC SAR.28.

<sup>93</sup> Above, note 8, Table J.BOC SAR.50b.

<sup>94</sup> Above, note 8, Table J.BOC SAR.50b.

<sup>95</sup> Commonwealth of Australia, Senate Committee, Legal and Constitutional Affairs Committee, *Value of a justice reinvestment approach to criminal justice in Australia* (2013) 2.39 – 2.41.



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It has been reported that Aboriginal young people in Bourke are breaching bail conditions, triggering an arrest option for police, being transported to the closest sitting court and then spending time in custody in relation to charges that do not in and of themselves warrant a custodial sentence.<sup>96</sup>

Other criminal justice policies and practices, apart from breach of bail conditions identified as contributing to rates of offending and incarceration include parole changes and strict compliance requirements, high levels of policing, and mandatory sentencing.<sup>97</sup>

There is a need to consider how aspects of the criminal justice system itself contributes offending and incarceration.

### 3.7 DESIGN AND DELIVERY OF COMMUNITY SERVICES IN BOURKE

The data and research presented in this section have shown there is persistent social and economic disadvantage in Bourke across a number of indicators. The data reveal high rates of domestic violence and Aboriginal juvenile offending. Given this context, this section explores the design and delivery of community services in Bourke. The history of the service system is outlined and the findings from the Wood Royal Commission<sup>98</sup> and the NSW Ombudsman's report<sup>99</sup> are presented.

Government-led service delivery has occurred in Bourke for more than 130 years, since the establishment of the Brewarrina Aboriginal Mission Site in 1886.<sup>100</sup> Brewarrina Mission was the first institution established by the Aborigines Protection Board as part of the NSW Government's policy to segregate Aboriginal peoples.<sup>101</sup> Within 60 years of creating the Brewarrina Mission, government established the Bourke Reserve in 1946 and set aside 26 acres of land for the Aboriginal community to use.<sup>102</sup>

By the 1960s, government laws discriminating against Aboriginal peoples were being repealed, and in the 1970s there was significant government investment in services to improve the economic and social conditions experienced by Aboriginal peoples.<sup>103</sup> The Widgeri Housing Cooperative was established in Bourke in 1972,<sup>104</sup> and later in the 1980s the Widgeri Hall Aboriginal community facility was built.<sup>105</sup>

The approach used to deliver the services associated with Widgeri Hall has been cited by one of Australia's leading ethnographers, Professor Gillian Cowlishaw, as an early example of the need to strengthen the delivery of community services in Bourke:

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*The case of the Widgeri Hall, an Aboriginal community facility from the 1980s, illustrates the specific problems. This was a large tin construction, hurriedly built in the 1980s because money became available. It was the centre of a great deal of activity, from balls and talent quests to meetings and church services for years until it was damaged and unusable by 1990s. No-one seems to have been responsible. The history of this community facility and its management reflects the confusion and difficulties that emerged in relation to policy and services in the era of self-determination.*<sup>106</sup>

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<sup>96</sup> Maranguka, Maranguka and Justice Reinvestment – re-engaging Bourke youth: come half way (August 2015) 1-2.

<sup>97</sup> Commonwealth of Australia, Senate Committee, Legal and Constitutional Affairs Committee, Value of a justice reinvestment approach to criminal justice in Australia (2013) 2.39 – 2.41

<sup>98</sup> Above, note 11.

<sup>99</sup> Above, note 12.

<sup>100</sup> NSW Government, Office of Environment and Heritage, Brewarrina Aboriginal Mission Site.

<sup>101</sup> NSW Government, Office of Environment and Heritage, Brewarrina Aboriginal Mission Site.

<sup>102</sup> G Cowlishaw and R Mackay, 'Bourke: Our Yarns – the stories behind 'blackfellas, whitefellas' UTSePress, Sydney (2006) 44.

<sup>103</sup> G Cowlishaw and R Mackay, 'Bourke: Our Yarns – the stories behind 'blackfellas, whitefellas' UTSePress, Sydney (2006).

<sup>104</sup> G Cowlishaw and R Mackay, 'Bourke: Our Yarns – the stories behind 'blackfellas, whitefellas' UTSePress, Sydney (2006) 64.

<sup>105</sup> G Cowlishaw and R Mackay, 'Bourke: Our Yarns – the stories behind 'blackfellas, whitefellas' UTSePress, Sydney (2006) 64.

<sup>106</sup> G Cowlishaw and R Mackay, 'Bourke: Our Yarns – the stories behind 'blackfellas, whitefellas' UTSePress, Sydney (2006) 111.



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More than 30 years later, issues associated with the delivery of community services in Bourke and the high rate of Bourke Aboriginal young people's offending continues to be a subject of concern, with a number of government inquiries recommending that a stronger approach be implemented.

Justice Wood commented on the adequacy of school counselling services in Bourke as part of the Special Commission of Inquiry into Child Protection Services in NSW in 2008.<sup>107</sup> Justice Wood found that students at Bourke High School had access to the services of a school counsellor for one day a week, which inhibited counsellors undertaking home visits in the case of students known to be experiencing difficulties at home or not attending school on a regular basis.<sup>108</sup>

The trial of a program in Bourke to reduce recidivism and incarceration among Aboriginal young peoples, called the Intensive Court Supervision Program, was also considered by Justice Wood.<sup>109</sup> Although the trial of the program completed in Bourke in June 2007,<sup>110</sup> the Australian Institute of Health and Welfare reported in 2013 the program had not been evaluated.<sup>111</sup> There is currently no public information about an evaluation, now eight years after the trial of the program completed.

In relation to high rates of Aboriginal young people's offending in NSW, Justice Wood concluded that youth justice services provided limited opportunities to reduce offending and break the cycle of re offending:

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*Those young Aboriginal people caught up in the juvenile justice system have not been well served in relation to bail, diversionary options, or Aboriginal specific rehabilitation options, with the result that they have been left at risk of joining a cycle of re-offending with limited opportunities for establishing sound family relationships.<sup>112</sup>*

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Aboriginal young people's offending and the delivery of community services in Bourke has also been the subject of a special inquiry by the NSW Ombudsman.<sup>113</sup> In December 2010, the NSW Ombudsman reported to NSW Parliament there was an "obvious need for an overhaul of how the service system is designed and delivered" in Bourke.<sup>114</sup> The NSW Ombudsman made a number of findings and recommendations about the critical issues<sup>115</sup> and the need for a stronger approach to delivering community services, including:

- a full continuum of universal, secondary and tertiary services targeted at vulnerable families should be provided;
- workforce capacity should be improved by focusing on recruiting and retaining quality staff;
- location specific population-based data should be used to build an evidence-base and inform the planning and design process for services;
- service mapping should be undertaken to establish whether there is an appropriate suite of services available to address the range of needs identified;
- outcomes-measures should be used to assess whether programs and services are addressing the needs of the community;
- local community leaders and service providers should be consulted to identify the main vulnerabilities that need to be addressed;
- interventions should identify and target those who are most vulnerable in the community by using the evidence-base built from collecting location specific population-based data;

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<sup>107</sup> Above, note 11, 257, 7.281

<sup>108</sup> Above, note 11, 257, 7.281.

<sup>109</sup> Above, note 11, 773, 18.204.

<sup>110</sup> Above, note 11, 773, 18.204.

<sup>111</sup> Australian Institute of Health and Welfare and the Australian Institute of Family Studies, 'Diverting Indigenous Offenders from the criminal justice system' 24 Closing the gap clearinghouse (2013) 22.

<sup>112</sup> Above, note 11, 773, 18.286.

<sup>113</sup> Above, note 12, 50.

<sup>114</sup> Above

<sup>115</sup> Above, note 12, 44





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- a coordinating organisation in the community should have access to all data and intelligence from government and non-government agencies to reduce the likelihood of children and families falling through the gaps that currently exist;
- place-based, data-driven approaches will drive services to identify those children and young people most 'at risk';
- genuine partnerships need to be formed with Aboriginal leaders to address issues which are continuing to drive disadvantage, such as lack of safe and adequate housing, employment opportunities, and access to affordable and nutritious food;
- services in Bourke must operate in a more collaborative and strategic manner and go beyond 'linking' programs to extending and re-thinking current approaches;
- improved agency collaboration and integration requires a shared strategic vision by key agencies, the development of a tailored service design, and systems and processes to support meeting local community needs;
- top-down approaches to service delivery will not achieve the desired results and local services must be authorised to work in a flexible way, seize opportunities, and work towards a shared vision;
- government actors do not have sufficient authority to provide the required leadership to integrate services;
- existing consultation, governance and accountability mechanisms should be rationalised;
- a single, unifying common agenda to address critical community needs should be the goal;
- integrated and efficient service provision must be informed by the articulation from the Bourke Aboriginal community of their service needs and of ways to improve the system;
- strong governance and accountability measures should be implemented that involve effective engagement with community members and local organisations; and
- government should support a facilitating organisation in the local community that has a mandate to work with the Bourke Aboriginal community and other stakeholders to develop and implement a community plan.<sup>116</sup>

The NSW Ombudsman found that to improve outcomes for Aboriginal people in Bourke, there must be a fundamental shift in the way in which services work.<sup>117</sup> The primacy of working differently in Bourke, over just increasing funding, has been confirmed in the 2014 economic evaluation of the NSW Government's \$800 million five-year child protection reforms, *Keeping Them Safe*.<sup>118</sup> The economic evaluation found that despite higher per capita funding in Bourke under the reforms, worse child outcomes were achieved when compared to other areas in NSW.<sup>119</sup>

Bourke Aboriginal peoples have themselves identified a number of areas in the current approach to service delivery in need of strengthening to reduce Aboriginal young people's high rates of offending.<sup>120</sup> The issues raised directly by the Bourke Aboriginal community include:

- no forum or vehicle to address the underlying causes of crime;
- limited centralised coordination of services;
- poor governance arrangements leading to service fragmentation and duplication;
- poor data collection resulting in a lack of accountability;

<sup>116</sup> Above, note 12, 44-53.

<sup>117</sup> Above, note 12, 53.

<sup>118</sup> R Cassells, A Duncan, G Gao and M Keegan, 'Keep Them Safe Outcomes Evaluation: Economic Evaluation Final Report, Annex C' NSW Department of Premier and Cabinet (2014).

<sup>119</sup> R Cassells, A Duncan, G Gao and M Keegan, 'Keep Them Safe Outcomes Evaluation: Economic Evaluation Final Report, Annex C' NSW Department of Premier and Cabinet (2014) 51.

<sup>120</sup> Interview with Sarah Hopkins, Chair of Just Reinvest NSW (Sydney, 14 April 2016); Interview with Kerry Graham, Collective Impact Consultant, Maranguka (Sydney, 14 April 2016).

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- lack of drug and alcohol programs in Bourke;
- few discretionary services in the area;
- The larger non-government organisations have accumulated a large number of service delivery contracts and there is a need for detailed mapping of those services;
- complex case management services run by the NSW Department of Family and Community Services are of poor quality;
- there are three to five housing providers and no unified housing strategy;
- the youth agency forum is well attended but due to funding agreements there is little capacity to innovate;
- there is a gap in services for children aged 8 to 12 years;
- there is limited capacity, other than in the police, for services to be responsive to community needs;
- there are few and in some cases no feedback loops to take into account community needs;
- there are always service delivery staff positions that are vacant due to difficulty in filling positions, meaning budgets are rarely spent; and
- when positions are filled, there is often a lack of fit and continuity in staff positions.

The data and evidence in this section demonstrates the persistent social disadvantage in Bourke, alongside high rates of Aboriginal juvenile crime and domestic violence. Recent reports and the community have detailed gaps, overlap, and a lack of coordination in the service delivery system. Systematic inquiry detailed in reports by Professor Cowlshaw, Justice Wood, and the NSW Ombudsman call for a fundamental redesign and a new approach to the service delivery system so that services impact on the entrenched social justice problems experienced in the community.

# Section 4





# 4 Definition of the Project

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In response to the challenges in the community outlined in Section 3, the Bourke community has developed a model designed to impact on the high rates of Aboriginal juvenile offending. To enable subsequent assessment of the project, this section addresses the following question:

- What approach has been developed to address the problem of juvenile offending and what are the key elements of the approach?

There are two parts to this section. The first part describes the development of the Maranguka Justice Reinvestment Project in Bourke within the community. The second part outlines the theoretical basis behind the Bourke model. The central tenants of Justice Reinvestment and the Community-led Collective Impact approach are outlined. These approaches are seen to hold promise in addressing the offending of young Aboriginal people in Bourke.

## 4.1 HISTORY OF THE PROJECT

### 4.1.1 Bourke Aboriginal community initiating the project

The project began as early as 2007 when the Bourke Aboriginal Community Working Party began collaboration with the NSW Ombudsman to explore how the delivery of community services in Bourke could be strengthened.<sup>121</sup> In the period between 2007 and 2013, Bourke Aboriginal peoples were identifying, organising and acting to establish a transformative, whole-of-community agenda for change in Bourke, which they called Maranguka.<sup>118</sup> An initial Maranguka concept proposal was endorsed by the Bourke Aboriginal Community Working Party in 2011. In 2013 a full Maranguka Proposal document was prepared for the Bourke Aboriginal Community Working Party.<sup>122</sup> The Maranguka Proposal was endorsed by the Bourke Aboriginal Community Working Party in August 2013,<sup>119</sup> and forwarded to the NSW Department of Premier and Cabinet and to Aboriginal Affairs NSW after being reviewed by the Aboriginal and Torres Strait Islander Social Justice Commissioner. Maranguka was endorsed by the NSW Government as being compatible with the Government's policy direction for Aboriginal Affairs – 'a new beginning/a new way'.

One of the priority goals identified by the Maranguka Proposal was to reduce Bourke Aboriginal young people's high rates of involvement with the criminal justice system. The Maranguka Proposal presaged the development of the Maranguka Justice Reinvestment Project by proposing that an integrated youth and justice reinvestment action group address this goal. Maranguka provided the community-based structures that underpinned discussions in 2013 with Just Reinvest NSW, the major proponent of Justice Reinvestment in NSW and the Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner in relation to the feasibility of trialling a Justice Reinvestment initiative in Bourke.

The Bourke Aboriginal community initiated the project through a grassroots coalition of concerned local Aboriginal residents who wanted to see positive change in their community.

<sup>121</sup> Above, note 12, III.

<sup>122</sup> Maranguka Proposal: Bourke Aboriginal Community Working Party, June 2013





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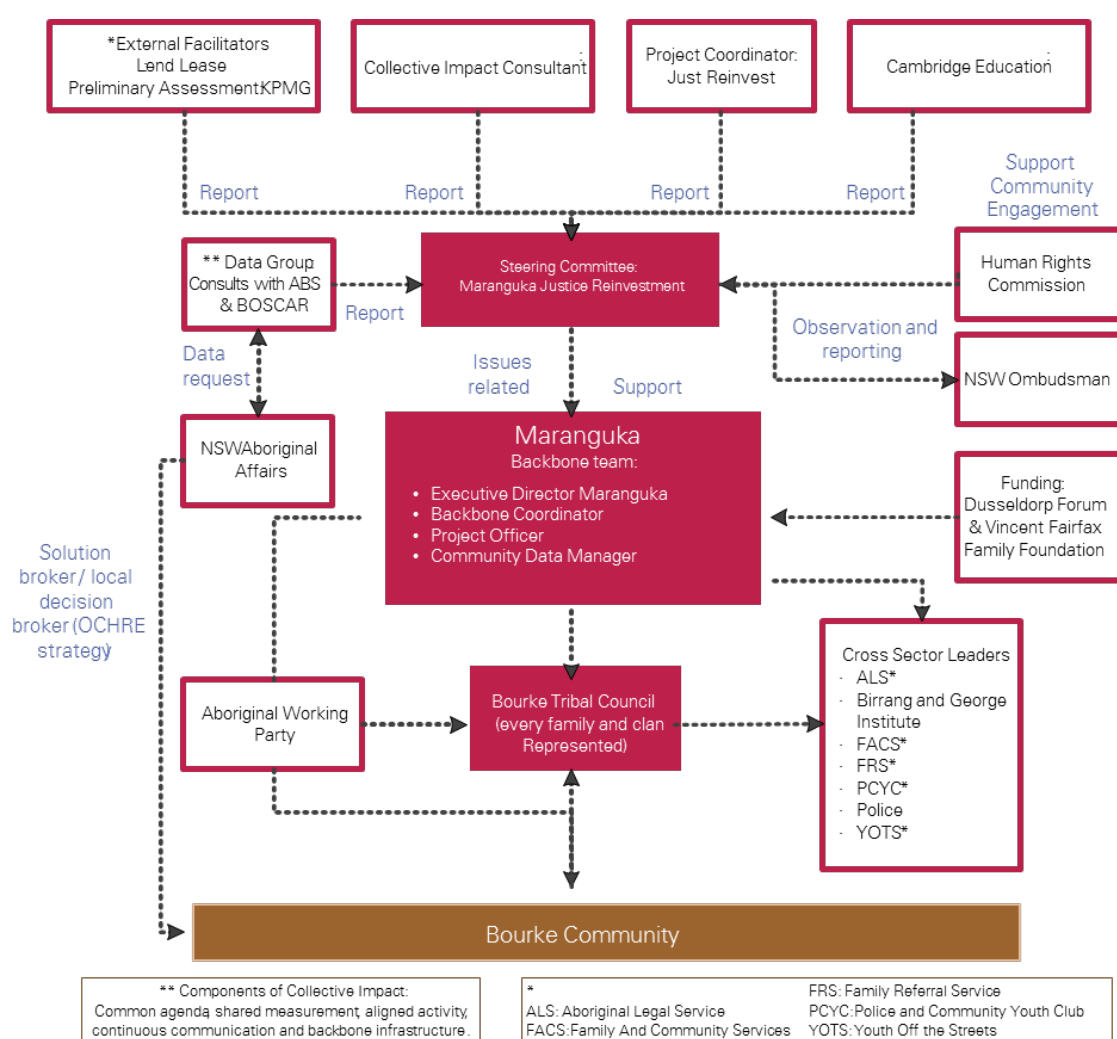
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According to the Executive Director of Maranguka, Alistair Ferguson, the NSW Ombudsman's Inquiry into service provision to the Bourke and Brewarrina communities (2010), The NSW Ombudsman's report 'Responding to Child Sexual Assault in Aboriginal Communities (2012)' were pivotal reports in focusing attention on social issues in Bourke at the time. Former Aboriginal and Torres Strait Islander Commissioner Mick Gooda also reported on the potential of justice reinvestment to support Indigenous communities address the overrepresentation of Indigenous peoples in the criminal justice system.<sup>123</sup> In addition some of the key players who were instrumental in the early days of Maranguka were Sergeant Michael Williams (an Aboriginal Police Officer seconded to Maranguka for 12 months), Andrew Rose seconded from Aboriginal Affairs, and John Henry (Cambridge Education). It was noted that the NSW Minister for Family and Community Services and the Minister for Housing, has been a strong supporter and a 'Parliamentary Champion', while the NSW Ombudsman has provided independent oversight. In addition, in 2015, the NSW Legislative Standing Committee on Social Issues recommended that Maranguka be funded for an additional five years<sup>124</sup>.

A summary of the strategic partnerships in the project is shown in Figure 4-1.



<sup>123</sup> Australian Human Rights Commission, Social Justice Report 2009 (2009).

<sup>124</sup> NSW Legislature (2015) Service Coordination in Communities with high social needs



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## 4.1.2 Partnering with Just Reinvest NSW

In late 2012, the Bourke Aboriginal community approached Just Reinvest NSW to develop a proposal for implementing Justice Reinvestment in Bourke.

The process to develop the project proposal involved regular meetings with the Bourke Aboriginal community, consultations with representatives from government departments, and a commitment to build trust between the community and services providers by identifying mutually agreed priorities to change outcomes in Bourke.

Ultimately, the project proposal was distributed to philanthropic, corporate and government sectors to begin discussions about a different approach in Bourke.

## 4.1.3 Philanthropic funding and other supports

In early 2014, the Dusseldorp Forum and the Vincent Fairfax Family Foundation provided substantial funding to progress the project for a period of two years. Support for the project proposal was also received through in-kind support by the Australian Government, NSW Government and other corporate bodies.

The Dusseldorp Forum and the Vincent Fairfax Family Foundation funding has been considered as pivotal by those involved in the project and was used to establish a project team. It is difficult to see how the project would have progressed without philanthropic funding and other supports. The funds provided were for the purpose of enabling experimentation and community development.

The Dusseldorp Forum and the Vincent Fairfax Family Foundation provided further funding in 2016 for the three-year period 2016-17 to 2018-19 to enable project implementation.

## 4.1.4 Early stages of project implementation

A number of significant project milestones have been achieved since the project received philanthropic funding in early 2014. Importantly, a backbone infrastructure - Maranguka - has been established with dedicated staffing and resources to progress project implementation.

The community development of Maranguka is broad and has expanded to a number of initiatives which include housing, and support for vulnerable youth. According to the Founder of Maranguka, current initiatives include a driver's licence project which has been developed by Birrang and will be evaluated by the George Institute for Global Health; a Warrants Clinic; and the Western Family Referral Service which coordinate services for vulnerable families. An earlier project included an employment survey of the business sector in Bourke to ascertain the views of the business sector on young people and employment and it is planned to regularly repeat this survey. Currently a housing strategy is being developed in conjunction with the Housing NSW. A number of Memorandum of Understanding (MOUs), have been developed: a MOU has been developed with the Bourke Local Area Command for breach of bail, and another MOU has been brokered in conjunction with Youth Off the Streets, regarding vulnerable children and youth to provide a safe house. Eternity Aid is working with young people while they are in prison and is developing a supportive program in schools. There has been strong support for the Waste Aid Project with an emphasis on healthier, cleaner environment through schools and households. An adult literacy program 'YES I CAN' has been developed and run in Bourke. A draft MOU is being considered with St Ignatius, for community innovation while another MOU is being developed for tenants, supports, and education program (TSEP).

Maranguka has consulted with the Bourke Aboriginal community to establish priority goals and measures for the project. Potential strategies and activities have also been identified. Working Groups made up of local community members and service providers in Bourke are in the final stages of being established to support activities under the Maranguka Justice Reinvestment Project strategy.

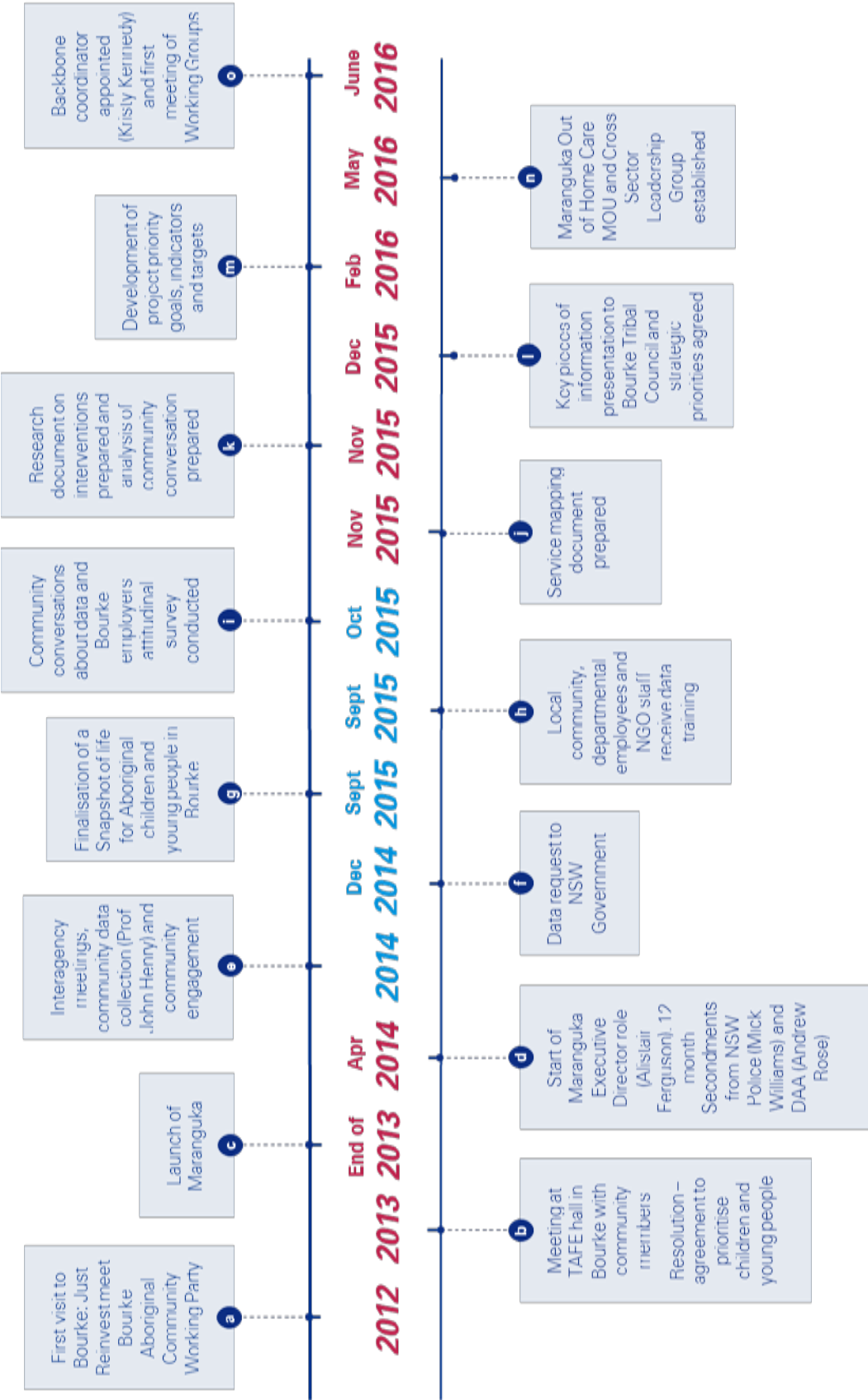
A high-level Cross-Sector Leadership Group made up of NSW Government Senior Executives has also been established to provide strategic guidance and advice as project implementation continues.



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Figure 4-2 below illustrates some of the main events in the project to date.

Figure 4 2. Main events in implementing the project



Source: Just Reinvest NSW (2016)



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## 4.2 JUST REINVEST NSW

The project is currently sponsored by three organisations: the Aboriginal Legal Service (NSW/ACT) Limited (the ALS), Just Reinvest NSW, and Maranguka.

- The ALS is an Australian Public Company, registered with the Australian Charities and Not-for-Profits Commission, recognised as a Public Benevolent Institution with access to tax concessions, and endorsed as a Deductible Gift Recipient. The ALS is governed by a Board of Directors and its Australian Business Number (ABN) is 93 118 431 066.<sup>125</sup> The ALS takes receipts of philanthropic funding to progress the project.
- The ALS auspices Just Reinvest NSW, which is a member-based incorporated entity governed by an Executive Committee, and its ABN is 37 751 526 982. The Executive Committee is elected by the members of Just Reinvest NSW at each Annual General Meeting. Membership costs \$5 and is open to organisations and individuals aged 18 years and over.<sup>126</sup> The ALS approves financial accounts to provide Just Reinvest NSW with an income from philanthropic funding for the purposes of progressing the project.
- Maranguka is a community hub designed to create better coordinated support for vulnerable families and children in Bourke. It was developed by the Bourke Aboriginal Community Working Party and involves Aboriginal community-led, multi-disciplinary teams working in partnership with relevant government and non-government agencies and organisations. One of Maranguka's priority goals is to support the project.<sup>127</sup> Maranguka is not an Australian business entity, at this current time, it does not have an organisational constitution or formalised governance structure, and does not take receipt of philanthropic funding.

Opportunities to establish an appropriate governance structure for the backbone organisation in its role supporting the project are currently being explored, including the development of an incorporated legal entity and in-kind support from the Department of Prime Minister and Cabinet. Support from pro bono advisors from a legal firm are facilitating this process.

### 4.2.1 Data collection

In 2015, the project undertook an extensive exercise which included collection and transfer of data to the community. Data collection and transfer is central to the Collective Impact and Justice Reinvestment approaches.

The first step was to collect data relevant to Bourke. The process was enabled through support from several government departments and project champions, and Maranguka signed a release form to release the data back to the community. The data collection exercise was supported by the NSW Department of Premier and Cabinet, the NSW Office of the Ombudsman and the NSW Departments of Family and Community Services and Education. Data from a broad range of government departments (both state and federal) were collected which related to the Bourke Community. The data collection included a profile of the Bourke community and a number of specific domains, including:

- justice;
- child safety;
- debt;
- drivers licences;
- early childhood;
- education;
- employment;
- health;
- housing; and
- Centrelink data

<sup>125</sup> Aboriginal Legal Service (NSW/ACT) Limited, *Annual Report 2014-15* (2015).

<sup>126</sup> Just Reinvest NSW, *Annual Report 2014-15* (2015).

<sup>127</sup> Briefing on Maranguka and the Bourke Justice Reinvestment project (May 2016).





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The data was summarised into a 'snapshot' concentrating on a child's life course and stages of development. From September to December 2015, a number of community conversations were held around the snapshot. The data collection exercise allowed community members to view data that specifically related to the community and spans across several subject areas. For these reasons, it is pivotal in the project. However, the exercise highlighted the fact that while administrative government data is collected in relation to social, justice and economic problems, there is very little data on community strengths available. The purpose of the community conversations and data collection exercise, in part, was to improve understanding about the strengths in the Bourke Aboriginal community and opportunities or change.

To supplement the official government data, a secondary process was instituted. Data was collected that focused on the voice of child and young people in the community took a strengths-based approach. This data was collected through engagement with young people through a series of groups at the local high school.

## 4.2.2 Community goal setting

The intended outcome of the project has remained the same since the project's earliest inception: that is, to reduce the high rates of offending, reoffending and incarceration of Bourke's Aboriginal children and young people.

Maranguka was interested in a 'community report card' – areas where progress could be measured for the community and for key services and government. The community snapshot, data relating to the community and summaries of recorded community conversations were presented to the Bourke Tribal Council in order for them to develop focus areas and goals. Through this process the Bourke Tribal Council, has identified four specific focus areas designed to reduce Bourke Aboriginal young people's high rates of involvement with the criminal justice system and developed the strategy document *Growing Our Kids Up Safe, Smart and Strong*. Potential strategies are focused on the focus areas of:

- early childhood and parenting;
- children and young people 8 to 18 years or age;
- the role of men; and
- service delivery reform.

There are specific goals that have been identified for each of these areas. For each goal, a number of measures have been identified. Work to identify goals, measures and targets is in its final stages of completion.

Table 4-1 below contains a summary of the results to date and examples of activities that are currently being considered. Further work will be undertaken to develop activities in each of these areas.

**Table 4 1.** Summary of draft *Safe, Smart and Strong Strategy to support the Maranguka Justice Reinvestment Project in Bourke*

Project	The Maranguka Justice Reinvestment Project in Bourke			
<b>Vision</b>	Bourke Aboriginal children and young people grow up safe, smart and strong			
<b>Potential areas:</b>	<ul style="list-style-type: none"> <li>• Early childhood and parenting</li> </ul>	<ul style="list-style-type: none"> <li>• Young people 8 to 18 years</li> </ul>	<ul style="list-style-type: none"> <li>• Role of men</li> </ul>	<ul style="list-style-type: none"> <li>• Service delivery reform</li> </ul>
<b>Identified goals</b>	<b>GOAL 1</b> <ul style="list-style-type: none"> <li>• Every Aboriginal</li> </ul>	<b>GOAL 2</b> <ul style="list-style-type: none"> <li>• Every Aboriginal child:</li> </ul>	<b>GOAL 3</b> <ul style="list-style-type: none"> <li>• Every Aboriginal</li> </ul>	<b>GOAL 4</b> <ul style="list-style-type: none"> <li>• Every service supporting</li> </ul>



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## Project The Maranguka Justice Reinvestment Project in Bourke

	<p>child:</p> <ul style="list-style-type: none"> <li>• is born healthy and on country</li> <li>• feels safe, respected and connected to culture</li> <li>• arrives at school ready to learn</li> <li>• Every Aboriginal parent:</li> <li>• values learning for their kids from birth</li> <li>• feels supported and confident in their parenting</li> <li>• supports their children's connection to culture and country</li> </ul>	<ul style="list-style-type: none"> <li>• feels connected to school</li> <li>• is engaged in positive activities with strong peer support</li> <li>• is equipped with the life skills needed for adulthood</li> <li>• completes Year 12</li> <li>• is supported to address the impacts of trauma, grief and loss</li> <li>• who has been removed from Bourke returns to a nurturing and supportive environment</li> </ul>	<p>man:</p> <ul style="list-style-type: none"> <li>• protects his family and community</li> <li>• nurtures his children</li> <li>• is a custodian of his culture</li> </ul>	<p>Aboriginal people in Bourke:</p> <ul style="list-style-type: none"> <li>• recognises the Bourke Tribal Council and adheres to the Maranguka protocol</li> <li>• engages Aboriginal people in the design and delivery of services and supports Aboriginal people</li> <li>• is flexible and pulls together to meet people's needs</li> <li>• works within an effective case management system that has one plan</li> </ul>
<b>Examples of potential activities</b>	<ul style="list-style-type: none"> <li>• Sustained nurse home visiting for the first two years of a child's life</li> </ul>	<ul style="list-style-type: none"> <li>• Coordinate and integrate services around children who are showing early signs of school disengagement or anti social behaviour</li> </ul>	<ul style="list-style-type: none"> <li>• Strong community message about violence and crime</li> </ul>	<ul style="list-style-type: none"> <li>• Complex case management with one case plan involves families.</li> </ul>
<b>Example of targets</b>	<ul style="list-style-type: none"> <li>• 2015 baseline with target of percentage of women who see their doctor in the first 14 weeks of pregnancy</li> </ul>	<ul style="list-style-type: none"> <li>• 2015 baseline and target for percentage of long suspensions as a percentage of full-time equivalent enrolments (Bourke Primary School)</li> </ul>	<ul style="list-style-type: none"> <li>• 2015 baseline and target for percentage of jobseekers placed in training, activities or employment</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>Intended outcome</b>	<ul style="list-style-type: none"> <li>• Reduction in Bourke Aboriginal young people's high rates of offending, reoffending and incarceration</li> </ul>			

**Source:** Maranguka, *Growing our kids up safe, smart and strong – goals, measures and strategies for the Maranguka Justice Reinvestment Project in Bourke* (1 June 2016).



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## 4.3 THEORETICAL APPROACHES THAT UNDERPIN THE PROJECT

The Maranguka Justice Reinvestment Project in Bourke has adopted three key theoretical positions. The project involves:

- Indigenous self-governance;
- a Community-led Collective Impact approach to problem-solving; and
- a Justice Reinvestment (place-based data-driven) approach.

In the second part of this section, these theoretical approaches are considered.

### 4.3.1 Indigenous self-governance

The Bourke Aboriginal community can be seen to be re-building its Indigenous Nationhood through a process of identifying, organising and acting to improve outcomes for its Indigenous peoples.<sup>128</sup> The Bourke Aboriginal community has decided to use the Collective Impact<sup>129</sup> approach as a collaborative, problem-solving process to improve outcomes in the community, and implement a Justice Reinvestment initiative to reduce Bourke Aboriginal young people's offending and incarceration.

The Bourke Aboriginal community has mobilised and have been 'doing' self-determination.<sup>130</sup> This includes establishing Indigenous self-governance structures (the Bourke Tribal Council), making decisions about priorities and matters that most directly affect their survival as Indigenous peoples. The Maranguka Justice Reinvestment Project in Bourke is the manifestation of the community's collective efforts.

Indigenous self-governance is associated with Indigenous peoples expanding their substantive decision-making power and self-governing authority, creating legitimate and effective governing institutions of their own design and setting strategic direction.<sup>131</sup> Indigenous self-governance is recognised as a precursor to community and economic development and is a means of strengthening governing capacity to achieve community priorities.<sup>132</sup>

### 4.3.2 A Collective Impact approach

The Maranguka Justice Reinvestment Project in Bourke is a collaborative, Aboriginal community-led effort involving a diverse range of key players (the community, corporates, philanthropists, and government). The Collective Impact approach as a collaborative problem-solving process was first described in 2011 in the Stanford Social Innovation Review:

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*Collective Impact Initiatives are long-term commitments by a group of important actors from different sectors to a common agenda for solving a specific social problem. Their actions are supported by a shared measurements system, mutually reinforcing activities, and ongoing communication, and are staffed by an independent backbone organisation.*<sup>133</sup>

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The evidence-base that is cited for Collective Impact is decades of research on community-wide collaboration.<sup>134</sup> Collective Impact initiatives have five defining conditions,<sup>135</sup> as shown in Figure 4-3 below.

<sup>128</sup> Stephen Cornell, 'Process of Native Nationhood: The Indigenous Politics of Self-government' 6(4) *The International Indigenous Policy Journal* (2015).

<sup>129</sup> John Kania and Mark Kramer, 'Collective Impact' *Stanford Social Innovation Review* (Winter 2011), 39.

<sup>130</sup> Stephen Cornell, 'Process of Native Nationhood: The Indigenous Politics of Self-government' 6(4) *The International Indigenous Policy Journal* (2015), 5.

<sup>131</sup> University of Melbourne (Dr Mark McMillan), *Indigenous Nation Building*.

<sup>132</sup> University of Melbourne (Dr Mark McMillan), *Indigenous Nation Building*.

<sup>133</sup> John Kania and Mark Kramer, 'Collective Impact' *Stanford Social Innovation Review* (Winter 2011), 39.

<sup>134</sup> T Wolff, 'Ten places where Collective Impact gets it wrong' 7(1) *Global Journal of Community Psychology Practice* (2016).

<sup>135</sup> H Preskill, M Parkhurst and J Juster, 'Guide to evaluating Collective Impact – learning and evaluation in the Collective Impact context' (2014); and John Kania and Mark Kramer, 'Collective Impact' *Stanford Social Innovation Review* (Winter 2011).



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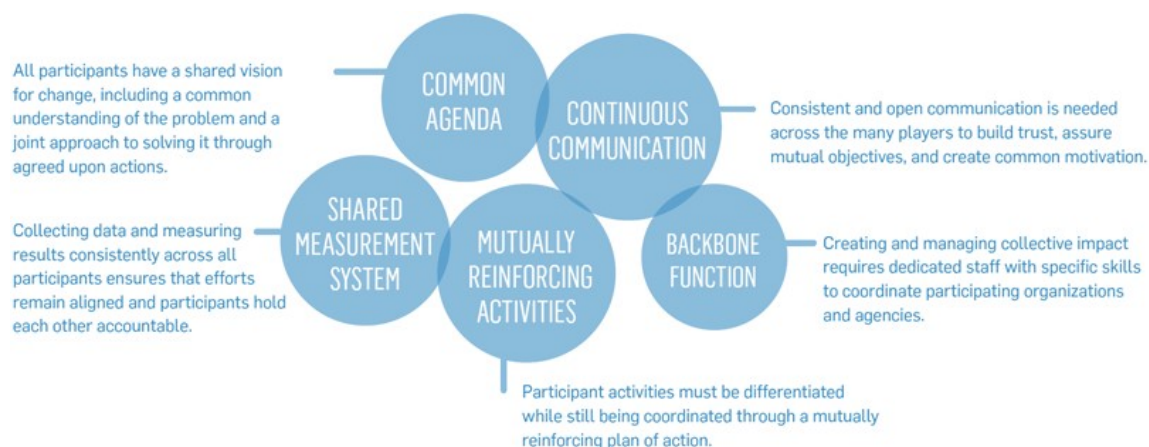
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**Figure 4-3.** Five conditions to Collective Impact initiatives



**Source:** H Preskill, M Parkhurst and J Juster, 'Guide to evaluating Collective Impact – learning and evaluation in the Collective Impact context' (2014) and John Kania and Mark Kramer, 'Collective Impact' *Stanford Social Innovation Review* (Winter 2011)

There are also eight principles of practice related to Collective Impact initiatives, as shown in Table 4-2 below.

**Table 4 2.** Eight principles of practice for Collective Impact initiatives

Design and implement the initiative with a priority placed on equity	Include community members in the collaborative	Recruit and co-create with cross-sector partners	Use data to continuously learn, adapt, and improve
Cultivate leaders with unique system leadership skills	Focus on program and systemic strategies	Build a culture that fosters relationships, trust, and respect across participants	Customise for local context

**Source:** *Collective Impact Forum, Collective Impact Principles of Practice (April 2016) 1-3.*

Since 2011, evidence of the effectiveness of Collective Impact as an approach is being developed. This has included evidence about the potential of Collective Impact to improve outcomes in Indigenous communities:

- Improving child sexual abuse reporting in Western Australian Indigenous communities, with results showing Collective Impact 'contributed to a major cultural shift and level of engagement between victims and service providers.'<sup>136</sup>
- Reducing childhood obesity, with results showing the initiatives led to 'sustained practice change' and demonstrate the potential of multi-pronged community-led prevention initiatives to address childhood obesity.<sup>137</sup>
- Chronic disease prevention among urban Aboriginal peoples, with results of the literature review of public health system interventions finding there is 'considerable potential for interventions ... attempting to improve the operation of these systems by promoting collaboration and resource sharing among system actors.'<sup>138</sup>

<sup>136</sup> C Bailey, 'Evaluation of a collaborative operation to improve child sexual abuse reporting in Western Australian Indigenous communities', *Criminal Justice and Behaviour* (2015)

<sup>137</sup> S Amed, P Naylor, S Pinkney, S Shea, L Masse, S Berg, J Collet, J Higgins, 'Creating a collective impact on childhood obesity: lessons from the SCOPE initiative' 106(6) *Canadian Journal of Public Health* (2015) 430.

<sup>138</sup> P Wilk and M Cooke, 'Collaborative Public Health System Interventions for Chronic Disease Prevention Among Urban Aboriginal Peoples' 6(4) *The International Indigenous Policy Journal* (2015) 10.





- Improving health and education outcomes for young children in remote communities in Australia, with results showing that 'no single policy, government agency or program can effectively respond to the complexities experienced by remote populations or ensure appropriate allied health service access for children in these communities ... new models, policy development approaches and funding streams are required to ensure services align with community needs and expectations.'<sup>139</sup>

### 4.3.3 Justice Reinvestment

The Maranguka Justice Reinvestment Project in Bourke is being undertaken within a Justice Reinvestment approach. It involves application of the Justice Reinvestment approach to address the overrepresentation of Aboriginal children and young people in the criminal justice and prison systems.

Justice Reinvestment is a place-based, data-driven criminal justice intervention that aims to 'reduce corrections populations and budgets, thereby generating savings for the purpose of reinvesting in high incarceration communities to make them safer, stronger, more prosperous and equitable.'<sup>140</sup>

The intervention is place-based because measures and policies must be directed to improving a particular place and community, not just individual cases. Justice Reinvestment is also a data-driven intervention because data collection and analysis must inform local community decision-making about how and where to deploy resources.

Two significant research findings led to the development of the Justice Reinvestment intervention in the United States:

- Between one-third and two-thirds of people admitted to prison were incarcerated because their probation or parole was revoked, not because they received a first-time conviction for a new crime. Multiple failures to meet conditions of probation or parole supervision, for example repeated failure to report for meetings, curfew violations, positive drug-test results and continued unemployment, accounted for a significant proportion of revocations to prison.
- Government expenditure for the criminal justice system in some communities totalled up to \$1 million per block (i.e. housing 'block' between streets), with members of the community cycling back and forth from prison each year. In certain geographic areas, government expenditure on incarceration was the most significant government investment in communities. Geographic audits also showed that parole and probation officers are geographically isolated in offices far removed from affected communities, and that services were not coordinated to focus on successful resettlement.<sup>141</sup>

Justice Reinvestment aims to re-direct money spent on incarceration to targeted initiatives to strengthen communities and reduce the underlying causes of crime. Key characteristics of Justice Reinvestment approaches include the following:

- Justice Reinvestment is targeted at reducing reoffending and incarceration rates through targeting the underlying causes of crime, including tackling disadvantage, income inequality, and providing stable housing and employment which can reduce crime.<sup>142</sup>
- Justice Reinvestment is commonly place-based, with a strong community development focus and a goal of strengthening disadvantaged communities.<sup>143</sup>
- Justice Reinvestment involves long, medium and short term strategies, and requires significant collaboration and coordination across government and within the community.

<sup>139</sup> D Jones, L McAllister, S Riley, D Lyle, C Brunero, T Webb, 'Improving health and education outcomes for children in remote communities: a cross-sector and developmental evaluation approach' 8(1) *International Journal of Community Research and Engagement* (2015) 17-18.

<sup>140</sup> Austin et al 2013 p1 quoted in Brown, D, Cunneen, C Schwartz, m, Stubbs, J, Young, C (2016) *Justice Reinvestment. Winding back imprisonment*. University of NSW Australia. Palgrave Macmillan, Australia.

<sup>141</sup> Allen and Stern, 'Justice reinvestment – a new approach to crime and justice' *International Centre for Prison Studies* (2007).

<sup>142</sup> Weatherburn, D. 2004, *Law and Order in Australia: Rhetoric and Reality*.

<sup>143</sup> Professor Chris Cunneen, Chief Investigator, Australian Justice Reinvestment Project, *Committee Hansard*, 1 May 2013, p. 58.



- Justice Reinvestment involves implementing cost effective criminal justice policies which are supported by a data-driven evidence base and targeted insights about the impact of different interventions on outcomes within the justice system.

Research literature shows that the successful implementation of Justice Reinvestment approaches needs to follow four methodological steps, as summarised below in Figure 4-4.

**Figure 4-4:** The four key steps within a Justice Reinvestment approach



**Source:** Urban Institute Justice Policy Centre US, Australian Justice Reinvestment Project.

Research into Justice Reinvestment demonstrates there are substantial opportunities to use resources more effectively, and to achieve government savings by reducing government expenditure on prison and authorising local communities to deploy resources on less-costly initiatives clearly organised around resettlement.<sup>144</sup>

#### 4.3.4 Relationship between Indigenous self-governance, Collective Impact and Justice Reinvestment

There is a strong conceptual relationship and evidence-base supporting the political context of the Bourke Aboriginal community re-building their Indigenous Nationhood, their use of Collective Impact as a collaborative problem-solving process, and the implementation of Justice Reinvestment.

The first is on the emphasis of place. Collective Impact initiatives involve local leaders and are long-term commitments by a group of important actors from different sectors to a common agenda for solving a specific social problem.<sup>145</sup> Justice Reinvestment is a place-based initiative and is concerned with outcomes in a particular place. The Bourke Aboriginal community's pursuit of Indigenous Nationhood is fundamentally concerned with the spiritual, cognitive, cultural and economic links they have as Aboriginal peoples to specific lands and places.<sup>146</sup>

The second area of coalescence is on coordinating collective action. Collective Impact initiatives promote mutually reinforcing activities so that efforts of different stakeholders are coordinated to achieve collective action.<sup>147</sup> Justice Reinvestment is a long-term strategy that depends on the cooperation and collaboration of different stakeholders involved in the justice system. The political pursuit of Indigenous Nationhood by the Bourke Aboriginal community is based on the community's collective aspiration to improve outcomes and make decisions about their own affairs, and is not the result of government-led service delivery.<sup>148</sup>

The third area of overlap is at a practical policy level as Indigenous Nationhood, Collective Impact initiatives and Justice Reinvestment are data-driven and outcomes-focused. Collective Impact

<sup>144</sup> Allen and Stern, 'Justice reinvestment – a new approach to crime and justice' *International Centre for Prison Studies* (2007).

<sup>145</sup> John Kania and Mark Kramer, 'Collective Impact' *Stanford Social Innovation Review* (Winter 2011), 39.

<sup>146</sup> Stephen Cornell, 'Process of Native Nationhood: The Indigenous Politics of Self-government' 6(4) *The International Indigenous Policy Journal* (2015), 4.

<sup>147</sup> John Kania and Mark Kramer, 'Collective Impact' *Stanford Social Innovation Review* (Winter 2011), 40.

<sup>148</sup> Stephen Cornell, 'Process of Native Nationhood: The Indigenous Politics of Self-government' 6(4) *The International Indigenous Policy Journal* (2015), 5.



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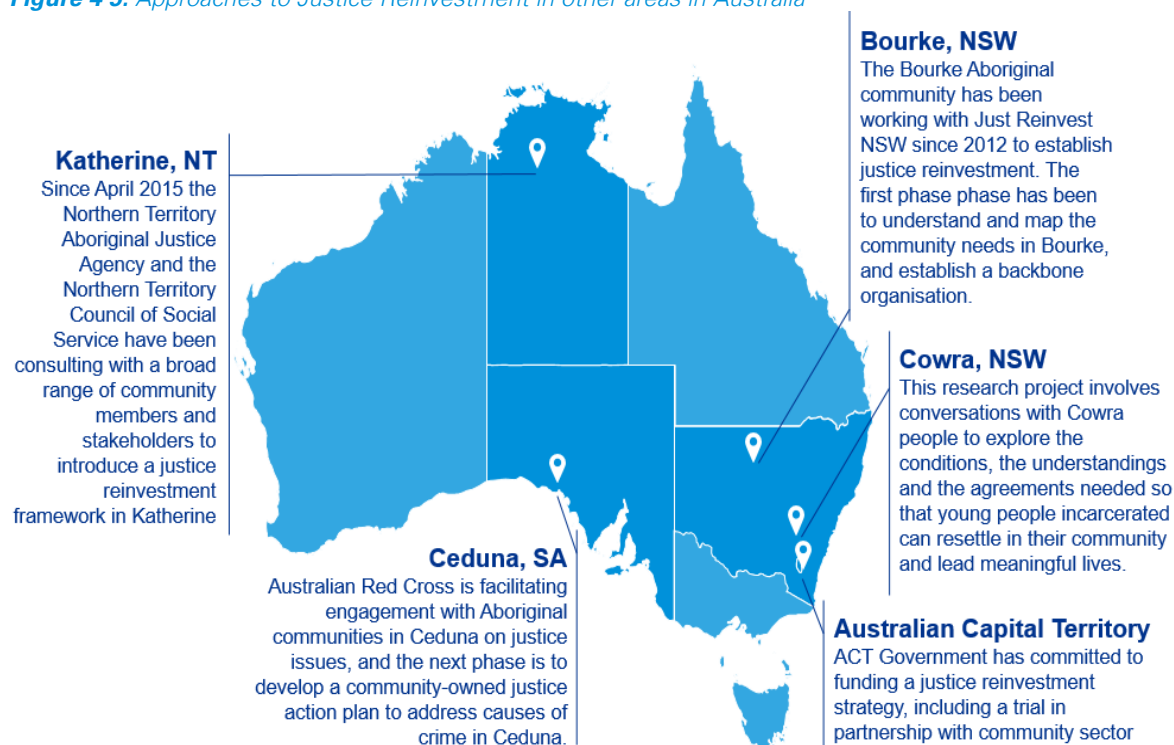
initiatives must develop a shared measurement system to evaluate results using set criteria, and be supported by a backbone organisation with dedicated resources to monitor outcomes.<sup>149</sup> Justice Reinvestment initiatives involve collecting and using data about community needs to make decisions about early intervention and prevention actions. It focuses on the underlying causes of crime including disadvantage and income inequality. The pursuit of Indigenous Nationhood in Bourke is fundamentally about “putting data in the hands”<sup>150</sup> of the Bourke Aboriginal Community so that Aboriginal peoples can determine how they are achieving the goals they have identified.

## 4.4 OTHER APPROACHES TO JUSTICE REINVESTMENT IN AUSTRALIA

There are four other approaches to Justice Reinvestment in Australia, in addition to the Maranguka Justice Reinvestment Project in Bourke, that are currently being trialled or piloted, as shown in Figure 4-5 below.

It is notable that each of these approaches is unique in its interpretation and implementation of Justice Reinvestment. The lead sponsor for each of the approach varies: the lead in the ACT is government, while in the NT and SA, not for profits are taking the lead and are consulting with communities. Bourke is the only jurisdiction where the community is leading the approach to justice re-investment.

**Figure 4 5.** *Approaches to Justice Reinvestment in other areas in Australia*



**Source:** KPMG analysis

<sup>149</sup> John Kania and Mark Kramer, ‘Collective Impact’ *Stanford Social Innovation Review* (Winter 2011), 40.

<sup>150</sup> Just Reinvest NSW, ‘A snapshot of life for Aboriginal children and young people in Bourke, NSW’ *Maranguka*.



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# 5 Project Assessment

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As outlined in the approach section, the second stage of the Preliminary Assessment involves comparison of the Maranguka Justice Reinvestment Project in Bourke against the criteria defined in the assessment framework. The assessment considers the following questions:

- How does the Maranguka Justice Reinvestment Project in Bourke align with government policy objectives?
- What is the financial case for reinvestment?
- How does the approach compare with other options?
- What progress has been made and what are the critical factors that will impinge on successful implementation of the approach? What are the potential next steps for the community, for partners and for Government?

The section begins by considering alignment of the Bourke approach with government policies and a prevention approach. The economic arguments are outlined and the direct costs of Aboriginal juvenile and young adult involvement in crime are presented. In the final part of this assessment, the Bourke approach is contrasted to other approaches to highlight the key components of the approach.

## 5.1 ALIGNMENT WITH GOVERNMENT POLICIES AND PRIORITIES

The Maranguka Justice Reinvestment Project in Bourke was assessed against selected NSW and Australian government policies and priorities. It was found that the approach is aligned with the goals and aims identified in NSW Government State Priorities documents, justice sector documents, policies on social investment, and Australian Government and Council of Australian Governments (COAG) documents on Indigenous disadvantage. Specifically, Justice Reinvestment is aligned with policies that aim to:

- reduce the involvement of Aboriginal people with crime;
- invest in prevention approaches;
- empower Aboriginal peoples; and
- improve the social and economic outcomes of Aboriginal peoples.

### Reducing Aboriginal children and young people's involvement with the criminal justice system

The need to reduce Aboriginal children and young people's involvement with the criminal justice system has been identified by a number of government policies and priorities. The NSW Government Department of Justice has identified the reduction of Aboriginal people in the criminal justice system as priority area in its Strategic Plan.<sup>151</sup> The NSW Government has also identified

<sup>151</sup> NSW Government Department of Justice, *Annual Report 2014-15* (2015) 8.



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reducing family and domestic violence and protecting vulnerable children and young people as a whole-of-government priority.<sup>152</sup>

### Social investment in prevention

Justice Reinvestment arguments also align with a 'social investment' approach in which government and investors invest in social programs which are preventative. Investment in prevention programs, if effective, can result in longer term savings for government. Recently, under NSW Government's social investment policy, NSW Government and an Australian bank have developed a social investment approach to recidivism.<sup>153</sup> The program, which runs for three months after prisoners are released from prison, is designed to reduce recidivism of offenders. Reductions in reoffending can result in savings to government over the long term.

### Empowering Aboriginal communities

In addition to policies that aim to reduce reoffending and promote investment in prevention, the NSW Government also aims to empower Aboriginal communities.

The NSW Government Department of Aboriginal Affairs recognises the need to empower Indigenous communities, including by increasing the capacity of Aboriginal communities to make local decision-making about local service delivery.<sup>154</sup>

There are also a number of other NSW Government and federal government policy initiatives aimed at improving the economic and social outcomes of Indigenous peoples in Australia, including:

- The NSW Government has developed a 10-year plan for improving Aboriginal health, which seeks to work in partnership with Aboriginal people to achieve the highest level of health possible for individuals, families, and communities;<sup>155</sup>
- The federal government Indigenous Advancement Strategy seeks to improve outcomes for Indigenous individuals and communities across a range of economic and social domains, including jobs, children and schooling, safety and wellbeing, and culture and capability;<sup>156</sup>
- The federal government Indigenous Economic Development Strategy 2011-2018 seeks to support the economic development of Indigenous peoples by investing in education, encouraging participation and improving access to skills development and jobs;<sup>157</sup> and
- The federal government National Early Childhood Development Strategy seeks to improve outcomes for all children and reduce inequalities in outcomes between Indigenous and non-Indigenous children.<sup>158</sup>

### Meeting prevention and early intervention policy objectives

The Justice Reinvestment approach aligns well with the public health model of prevention. This model offers a framework for preventing health and social problems and identifies three main temporal points for intervention:

1. **Primary prevention.** This refers to strategies aimed at preventing the problem before it occurs, including whole-of-population strategies.
2. **Secondary prevention** (early intervention). This refers to programs that involve early detection of risk or early manifestations of the problem. In terms of young people's involvement with the criminal justice system, it refers to interventions that target individuals or population sub-groups showing early signs of engaging in offending behaviour, or becoming a victim of offending, or who may be particularly at risk of developing offending behaviours.
3. **Tertiary prevention** (response or intervention). These are the responses set in motion after the problem has occurred, for example young people being sentenced to adult prison and

<sup>152</sup> NSW Government, State Priorities, NSW – Making it happen (2016).

<sup>153</sup> See announcement from July 2016 in the Sydney Morning Herald <http://www.smh.com.au/nsw/national-australia-bank-signs-up-to-reduce-prisoner-reincarceration-rate-20160711-gq33dt.html#ixzz4EApHrQIH>

<sup>154</sup> NSW Government Department of Aboriginal Affairs, NSW Government Plan for Aboriginal Affairs: education, employment and accountability (2013).

<sup>155</sup> NSW Government, NSW Aboriginal Health Plan 2013-2023 (2012).

<sup>156</sup> Australian Government, *Indigenous Advancement Strategy* (2016).

<sup>157</sup> Australian Government, *Indigenous Economic Development Strategy 2011-2018* (2011).

<sup>158</sup> Council of Australian Governments, *Investing in the Early Years – A National Early Childhood Development Strategy* (2009).



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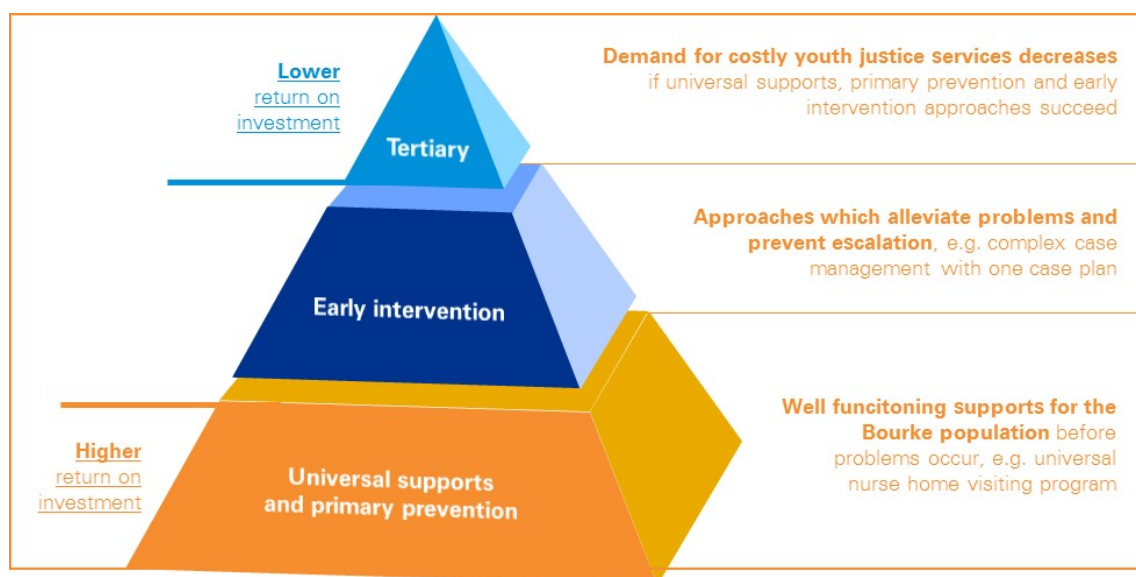
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youth detention. Tertiary prevention aims to reduce the consequences and impacts of the problem and prevent recurrence.<sup>159</sup>

Research into the cost-effectiveness of the public health model shows that investment in primary prevention and early intervention can reduce demand for costly tertiary services and prove to be more cost-effective. Research into child protection, for example, show that spending \$1 early in life can save \$17 by the time a child reaches mid-life.<sup>160</sup> The application of the public health model framework to the situation of Bourke Aboriginal young people's involvement in the criminal justice system is illustrated in Figure 5-1 below. Investment in primary prevention and early intervention can be cost-effective.

**Figure 5 1. Public health model and return on investment from primary, secondary and tertiary supports**



Source: KPMG analysis

## 5.2 ASSESSMENT OF FINANCIAL CASE FOR REINVESTMENT

Justice Reinvestment involves the redirection of government funding from the back end of the criminal justice system towards initiatives that are designed to prevent crime. The approach argues that there are long term cost savings for government in prevention and in targeting initiatives that strengthen communities that reduce the underlying causes of crime.

When considering whether an economic case can be made for Justice Reinvestment in Bourke, the analysis would involve investigation of:

- Direct justice system costs in Bourke;
- Costs of the activities; and
- Potential savings and economic benefits.

Justice Reinvestment and social investment approaches<sup>161</sup> argue that a successful prevention approach which reduces offending can result in direct measurable savings to government. The types of potential measureable benefits are outlined in Figure 5-2:

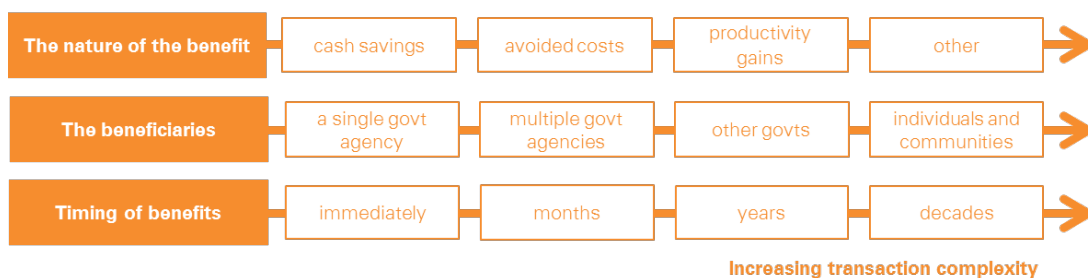
**Figure 5 2: Measurable benefits in social investment transactions**

<sup>159</sup> Australian Institute of Family Studies, 'The public health approach – a conceptual approach: reflecting on primary prevention of violence against women' 19 ACSSA (July 2014).

<sup>160</sup> Australian Institute of Family Studies, 'Defining the public health model for the child welfare services context' *CFCA Resource Sheet* (December 2014) citing A Blakester 'Practical child abuse and neglect prevention: A community responsibility and professional partnership' 14(2) *Child Abuse Prevention Newsletter* (2006).

<sup>161</sup> See NSW Government policy on social impact investment

[http://www.dpc.nsw.gov.au/\\_data/assets/pdf\\_file/0011/168338/Social\\_Impact\\_Investment\\_Policy\\_WEB.pdf](http://www.dpc.nsw.gov.au/_data/assets/pdf_file/0011/168338/Social_Impact_Investment_Policy_WEB.pdf)



**Source:** NSW Government, Office of Social Impact Investment, June 2015 *Social Impact Investment policy – principles for social impact investment; proposals to the NSW Government*.

To calculate the size of the direct savings to government, a number of different factors need to be considered including the success rate of the approach - how many children and young people will be prevented from offending over a certain period of time. At this point in time, the activities for each of the intervention areas (to achieve the Safe, Smart, Strong vision) have not yet been finalised. Once these activities have been formulated, this level of detail will be able to be developed and the potential savings assessed.

At this point in time, the estimated direct costs of the justice system and the anticipated costs of the Bourke approach are described.

### 5.2.1 Estimating direct justice costs

To explore the opportunity for reinvestment, the costs associated with Bourke Aboriginal children and young people's involvement with the criminal justice system were identified. Table 4.3 below presents estimates of selected costs associated with Bourke Aboriginal children and young people's involvement with the criminal justice system. Estimates have been produced based on findings from a number of recent Australian studies on the estimated costs associated with offending and incarceration, namely:

- Baldry's 2012 study<sup>162</sup> to estimate NSW Police costs associated with police proceeding to court with offences; and NSW Department of Justice costs associated with youth justice conferences.
- Smith's 2014 study<sup>163</sup> to estimate the cost of domestic and non-domestic assaults; completed and attempted break-ins; and motor vehicle theft.
- BOCSAR research from 2014<sup>164</sup> to estimate the cost of malicious damage to property.
- Productivity Commission findings from 2016<sup>165</sup> to estimate the cost of Local Magistrates Court and Children's Court finalisations.
- Audit Office of New South Wales findings from 2014<sup>166</sup> to estimate the cost of juvenile and adult custody.

It is important to note that cost estimates derived from the studies listed above are subject to a range of limitations, which are fully explained in the studies themselves and not repeated in this report. Examples of limitations include that data in some areas are too complex to cost accurately, the cost estimates are based on average costs, not unit costs, and there are significant aspects to the institutional costs to government that are not included, and government agency sensitivities

<sup>162</sup> E Baldry, L Dowse, R McCausland, M Clarence, 'Lifecycle institutional costs of homelessness for vulnerable groups' *School of Social Sciences, University of New South Wales* (2012).

<sup>163</sup> R Smith, P Jorna, J Sweeney and G Fuller, 'Counting the costs of crime in Australia: A 2011 estimate' 129 *Australian Institute of Criminology Research and Public Policy Series* (2014).

<sup>164</sup> NSW Bureau of Crime Statistics and Research, 'Malicious damage to property offences in Bourke Local Government Area' 100 *Crime and Justice Statistics Bureau Brief* (2014).

<sup>165</sup> Productivity Commission, *Report on Government Services 2016* (2016), 7.43 and Table 7A 31-32.

<sup>166</sup> Audit Office of New South Wales, *Volume Eight 2014 Focusing on Police and Justice (Law, Order and Emergency Services)* (2014).



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limit reducing costs of some areas to a single figure.<sup>167</sup> Reference to the individual studies should be made to fully understand the limitations associated with each study.

All figures presented in Table 5-1 below have been inflated in line with Consumer Price Index changes to 2015-16 dollars.

The analysis shows that direct costs of Aboriginal juvenile and young adult involvement with the justice system is in the vicinity of \$4m dollars per annum. In the following section, the direct measurable costs of implementing a Collective Impact, Justice Reinvestment approach are examined.

**Table 5 1** *Estimates of selected costs associated with Bourke Aboriginal young people's involvement with the criminal justice system*

Cost area	Definition of cost estimate and incident data	Cost per incident (2015-16 dollars)	Incidents (no.)	Reference period	Annual cost (2015-16 dollars)
<b>Police recorded criminal incidents</b>	The average cost per police recorded criminal incident was estimated from the 2011 NSW Police expenditure, which was approximately \$3.1 billion (including user cost of capital, payroll tax). Thirty per cent was deducted to account for police work that does not relate directly to crime. The remaining budget (approximately \$2 billion) was then divided by the number of the most recent annual recorded criminal incidents by BOCSAR, to come up with a cost per incident of \$1,699 in 2015-16 dollars. <sup>168</sup>  The incident data on police recorded criminal incidents against Aboriginal young people under 25 years of age in Bourke proceeded against to court was sourced from 2012-13 data provided by BOCSAR, which shows 263 incidents. <sup>169</sup>	\$1,699	263	2012-13	\$446,837
<b>Assault (domestic and non-domestic assault)</b>	The total cost per incident of assault (domestic and non-domestic assault) was estimated from 2011 data about medical costs, lost output and intangible losses based on a range of methods used by the Australian Institute of Criminology, to come up with a	\$2,826	210	2013	\$593,460

<sup>167</sup> E Baldry, L Dowse, R McCausland, M Clarence, 'Lifecourse institutional costs of homelessness for vulnerable groups' *School of Social Sciences, University of New South Wales* (2012) 112-113.

<sup>168</sup> E Baldry, L Dowse, R McCausland, M Clarence, 'Lifecourse institutional costs of homelessness for vulnerable groups' *School of Social Sciences, University of New South Wales* (2012) 24.

<sup>169</sup> Above, note 8, Table J.BOCASAR.4.



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Cost area	Definition of cost estimate and incident data	Cost per incident (2015-16 dollars)	Incidents (no.)	Reference period	Annual cost (2015-16 dollars)
	cost per incident of \$2,826 in 2015-16 dollars. <sup>170</sup>  The incident data on assaults (domestic and non-domestic assaults) recorded against Aboriginal young people under 25 years of age in Bourke was sourced from 2013 data provided by BOCSAR, which shows 210 incidents. <sup>171</sup>				
<b>Completed break and enter dwelling</b>	The total cost per incident of break and enter dwelling or burglary was estimated from 2011 data about property loss, lost output and intangible costs based on a range of methods used by the Australian Institute of Criminology, to arrive at a cost per incident of \$3,124 for completed break-ins and \$1,049 in 2015-16 dollars for attempted break-ins. <sup>172</sup> Seventy per cent of break-ins are estimated to be completed and 30 per cent attempted. <sup>173</sup>	\$3,124	64	2013	\$199,936
<b>Attempted break and enter dwelling</b>	The incident data on break and enter dwelling offences recorded against Aboriginal young people under 25 years of age in Bourke was sourced from 2013 data provided by BOCSAR, which shows 92 incidents. <sup>174</sup> An assumption has been made that 70 per cent of break-ins were completed (n = 64) and 30 per cent were attempted (n = 28).	\$1,049	28	2013	\$29,372
<b>Motor vehicle theft</b>	The total cost per incident of motor vehicle theft was estimated from 2011 data about property loss, lost output and intangible costs based on a range of methods used by the Australian Institute of	\$6,971	23	2013	\$160,333

<sup>170</sup> R Smith, P Jorna, J Sweeney and G Fuller, 'Counting the costs of crime in Australia: A 2011 estimate' 129 *Australian Institute of Criminology Research and Public Policy Series* (2014) 15-18.

<sup>171</sup> Above, note 8, Table J.BOCSAR.28.

<sup>172</sup> R Smith, P Jorna, J Sweeney and G Fuller, 'Counting the costs of crime in Australia: A 2011 estimate' 129 *Australian Institute of Criminology Research and Public Policy Series* (2014) 25-29.

<sup>173</sup> R Smith, P Jorna, J Sweeney and G Fuller, 'Counting the costs of crime in Australia: A 2011 estimate' 129 *Australian Institute of Criminology Research and Public Policy Series* (2014) 27, Table 13.

<sup>174</sup> Above, note 8, Table J.BOCSAR.28.



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Cost area	Definition of cost estimate and incident data	Cost per incident (2015-16 dollars)	Incidents (no.)	Reference period	Annual cost (2015-16 dollars)
	<p>Criminology, to arrive at a cost per incident of \$6,971 in 2015-16 dollars.<sup>175</sup></p> <p>The incident data on motor vehicle thefts recorded against Aboriginal young people under 25 years of age in Bourke was sourced from 2013 data provided by BOCSAR, which shows 23 incidents.<sup>176</sup></p>				
<b>Malicious damage to property</b>	<p>The total cost per incident of malicious damage to property was estimated from 2013-14 data about property loss based on research from BOCSAR, to arrive at an average cost per incident of \$796 in 2015-16 dollars.<sup>177</sup></p> <p>The incident data on malicious damage to property offences recorded against Aboriginal young people under 25 years of age in Bourke was sourced from 2013 data provided by BOCSAR, which shows 163 incidents.<sup>178</sup></p>	\$796	163	2013	\$129,748
<b>NSW Local Magistrates Court finalisations</b>	<p>The total cost per finalisation of a criminal Local Magistrates Court matter was estimated from 2014-15 data about the total recurrent expenditure of the NSW Local Magistrates Court divided by the total number of court finalisations for same period based on methods used by the Productivity Commission, arrive at an average cost per NSW Local Magistrates Court finalisation of \$628 in 2015-16 dollars.<sup>179</sup></p> <p>The incident data on the number of NSW Local Magistrates Court finalisations involving Aboriginal young people aged 18 to 24 years from Bourke was sourced from 2012-13 data provided by</p>	\$628	84	2012-13	\$52,752

175 R Smith, P Jorna, J Sweeney and G Fuller, 'Counting the costs of crime in Australia: A 2011 estimate' 129 Australian Institute of Criminology Research and Public Policy Series (2014) 30-33.

176 Above, note 8, Table J.BOC SAR.28.

177 NSW Bureau of Crime Statistics and Research, 'Malicious damage to property offences in Bourke Local Government Area' 100 Crime and Justice Statistics Bureau Brief (2014) 5

178 Above, note 8, Table J.BOC SAR.28.

179 Productivity Commission, Report on Government Services 2016 (2016), 7.43 and Table 7A 31-32.



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Cost area	Definition of cost estimate and incident data	Cost per incident (2015-16 dollars)	Incidents (no.)	Reference period	Annual cost (2015-16 dollars)
	BOCSAR, which shows 84 finalisations. <sup>180</sup>				
<b>NSW Children's Court finalisations</b>	<p>The total cost per finalisation of a criminal NSW Children's Court matter was estimated from 2014-15 data about the total recurrent expenditure of the NSW Children's Court divided by the total number of court finalisations for the same period based on methods used by the Productivity Commission, arrive at an average cost per NSW Children's Court finalisation of \$709 in 2015-16 dollars.<sup>181</sup></p> <p>The incident data on the number of NSW Children's Court finalisations involving Aboriginal young people aged under 25 years of age from Bourke was sourced from 2012-13 data provided by BOCSAR, which shows 38 finalisations.<sup>182</sup></p>	\$709	38	2012-13	\$26,942
<b>Youth justice conferences</b>	<p>The average cost per youth justice conference in 2011 was estimated from the NSW Department of Justice total budget for conferencing, distinguishing between referrals and actual conferences, to arrive at a cost per youth justice conference of \$3,000 in 2015-16 dollars.<sup>183</sup></p> <p>The incident data on the number of Aboriginal young people under 25 years of age from Bourke involved in police referred youth justice conferences was sourced from 2012-13 data provided by BOCSAR, which shows three incidents.<sup>184</sup></p>	\$3,000	4	2012-13	\$12,000
<b>Juvenile</b>	The average annual cost per	\$831	1,425 days	2012-13	\$1,184,175

<sup>180</sup> Above, note 8, Table J.BOCSAR.14.

<sup>181</sup> Productivity Commission, Report on Government Services 2016 (2016), 7.43 and Table 7A 31-32.

<sup>182</sup> Above, note 8, Table J.BOCSAR.14.

<sup>183</sup> E Baldry, L Dowse, R McCausland, M Clarence, 'Lifecycle institutional costs of homelessness for vulnerable groups' *School of Social Sciences, University of New South Wales* (2012) 27.

<sup>184</sup> Above, note 8, Table J.BOCSAR.4.





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Cost area	Definition of cost estimate and incident data	Cost per incident (2015-16 dollars)	Incidents (no.)	Reference period	Annual cost (2015-16 dollars)
<b>custody</b>	<p>young person in juvenile custody in NSW in 2014, including net operating expensive and capital costs, is estimated by the NSW Audit Office to be \$303,315 in 2015-16 dollars, which is a cost per day of \$831.<sup>185</sup></p> <p>The incident data on the number of days that Aboriginal children and young people aged 10 to 25 years from Bourke spent in juvenile custody was sourced from 2012-13 data provided by BOCSAR, which shows a total of 1,425 days.<sup>186</sup></p>				
<b>Adult custody</b>	<p>The average annual cost per person in adult custody in NSW in 2013, including net operating expensive and capital costs, is estimated by the NSW Audit Office to be \$96,360 in 2015-16 dollars, which is a cost per day of \$264.<sup>187</sup></p> <p>The incident data on the number of days that Aboriginal children and young people aged 18 to 25 years from Bourke spent in adult custody was sourced from 2012-13 data provided by BOCSAR, which shows a total of 4,789 days.<sup>188</sup></p>	\$264	4,789 days	2012-13	\$1,264,296
					<b>Total \$4,099,851</b>

<sup>185</sup> Audit Office of New South Wales, Volume Eight 2014 Focusing on Police and Justice (Law, Order and Emergency Services) (2014) 14.

<sup>186</sup> NSW Bureau of Crime Statistics and Research, NSW Custody Statistics for Financial Year 2012-13 (1June 2016).

<sup>187</sup> Audit Office of New South Wales, Volume Eight 2014 Focusing on Police and Justice (Law, Order and Emergency Services) (2014) 14.

<sup>188</sup> NSW Bureau of Crime Statistics and Research, NSW Custody Statistics for Financial Year 2012-13 (1June 2016).



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## 5.3 DIRECT COSTS OF THE APPROACH

The implementation of the Justice Reinvestment approach in Bourke includes costs associated with staffing positions which form the backbone structure. In-kind support, which includes the substantial contribution of community members and in-kind support from government officials, has not been costed. These contributions have been central enablers of the approach.

The components included in the direct costs of implementing a backbone structure are summarised in Table 5-2. The role descriptions associated with these positions are included in an Appendix C.

Examination of the total direct cost associated with the backbone structure appears to be relatively small compared to the direct costs of juvenile and young adult involvement with crime. Further analysis of the investment argument can be made on the likely economic benefits of the approach once the activities and likely benefits have been defined.

**Table 5 2– Direct costs of establishing a Justice Reinvestment approach**

Position	Components
<b>Executive Director, Maranguka</b>	<ul style="list-style-type: none"> <li>Annual full-time salary including super</li> <li>15 per cent on-costs annually</li> </ul>
<b>Project Director, Just Reinvest NSW</b>	<ul style="list-style-type: none"> <li>Annual part-time salary and costs (two day's work per week)</li> </ul>
<b>Backbone Coordinator, Maranguka</b>	<ul style="list-style-type: none"> <li>Annual full-time salary including super</li> <li>15 per cent on-costs annually</li> </ul>
<b>Community Data Manager, from NSW Government secondment</b>	<ul style="list-style-type: none"> <li>Annual part-time salary (three day's work per week); 15 per cent on-costs annually</li> </ul>
<b>Justice and Community Support Project Officer</b>	<ul style="list-style-type: none"> <li>Annual full-time salary</li> <li>6 per cent on-costs annually</li> <li>Annual project costs</li> </ul>
<b>Administrative and Communications Project Officer</b>	<ul style="list-style-type: none"> <li>Annual part-time salary (two day's work per week) including super 15 per cent on-costs annually</li> </ul>
<b>External Facilitator, Lend Lease</b>	<ul style="list-style-type: none"> <li>Annual part-time salary (3 days work per month)</li> </ul>
<b>Collective Impact Consultant, Collaboration for Impact</b>	<ul style="list-style-type: none"> <li>Annual part-time salary (28 days per year plus preparation time)</li> </ul>
<b>TOTAL</b>	<b>Not including in-kind community and government support</b>
<b>\$554,800</b>	

**Source:** *Just Reinvest NSW 2016*

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## 5.4 COMPARISON WITH OTHER APPROACHES

In order to highlight the essential elements of the Maranguka Justice Reinvestment Project in Bourke, the approach has been compared to three alternative approaches according to set criteria. As outlined in the approach, the framework for analysis includes: impact on the causes of crime, impact on the service system, involvement of the community, evidence based options and potential for successful implementation.

The alternative approaches have been selected for comparison as they have recently been developed in some parts of Australia in attempts to reduce Aboriginal young people's offending and incarceration. It should be noted that the selection of these three approaches does not in any way suggest that there are good reasons to trial or pursue these approaches in Bourke.

The Bourke approach is compared to:

- no change to the current approach;
- introduction of an early intervention program for young people at risk of involvement with the criminal justice system; and
- an 'emergency response' similar to the Northern Territory intervention.

The analysis of alternatives has been conducted to assist in the presentation of the Bourke approach and to assist in making the assumptions behind the Bourke approach more transparent. Results from the comparison are discussed in the following sections and summarised in Table 4.5 below.

### 5.4.1 No change to the current approach

The first option is no change in the current approach, which means that the community approach (prior to the Justice Reinvestment approach) and the service system is unchanged.

If there is no change to the current approach, there is no reason to believe that the situation in Bourke will improve; there is also no reason to believe that the outcomes in Bourke will dramatically deteriorate.

There is substantial evidence to show the entrenched and persistent economic and social disadvantage experienced by the Bourke Aboriginal community is a significant driver of Aboriginal young people's offending and incarceration, and to reduce the current high rates of Aboriginal young people's involvement with the criminal justice system a change in approach is needed. The 'no change' approach, in not addressing the drivers of crime, and in ignoring the developmental needs of children and young people, is assessed as not producing positive life outcomes for many children and young people in Bourke.

### 5.4.2 Early intervention program for young people at risk

The second option is a particular crime prevention service offering for Bourke. An early intervention program for Bourke Aboriginal young people at risk of becoming involved with the criminal justice system has similarities and differences to the Maranguka Justice Reinvestment Project in Bourke.

The Youth on Track (YoT)<sup>189</sup> program, for example, is an early intervention scheme for 10-17 year olds in NSW that identifies and responds to young people at risk of long-term involvement in the criminal justice system. YoT provides NSW Police Youth Liaison Officers (YLOs) and local schools with an opportunity to refer young people, known to be at medium to high risk of offending, to a support service without requiring a mandate and where the young person's engagement in YoT is voluntary.

<sup>189</sup> NSW Government Department of Attorney-General and Justice, 'Youth on Track – a model for early intervention with young people' (2012).



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The main points of difference between the Maranguka Justice Reinvestment Project in Bourke and an early intervention program similar to YoT are summarised below:

- The Maranguka Justice Reinvestment Project in Bourke aims to address the underlying economic and social conditions which contribute to higher rates of crime in Bourke, whereas an early intervention program like YoT is a targeted measure directed to a particular group. Bourke as a structural approach addresses social structures and the universal development of children and young people, while YoT is a programmatic response.
- It can be argued that YoT may prove to be cost effective in the short term if the program targets those who are likely to reoffend or at risk of reoffending and if the program is successful. However, the effectiveness of the program is currently unknown. The Bourke approach can be argued to be cost effective in the long term if it produces long term outcomes and generational change. The approach, is also as yet untested.
- The Maranguka Justice Reinvestment Project in Bourke seeks to strengthen the design and delivery of community services in Bourke by addressing the critical issues that have been identified, whereas a targeted program like YoT does not seek to achieve broader system change.
- The Maranguka Justice Reinvestment Project in Bourke is based on a Community-led Collective Impact approach in its design and implementation and seeks to foster Indigenous self-governance, whereas a targeted program like YoT is primarily led by government, law enforcement and justice stakeholders.
- The Maranguka Justice Reinvestment Project in Bourke does not require additional government expenditure and uses a reinvestment model whereby savings from a reduction in offending and incarceration pay for initiatives to address the causes of crime, whereas an early intervention program such as YoT would involve additional government expenditure for implementation.

The second option, Youth on Track, has a more focused and short term agenda, while the Bourke approach proposes a longer term, whole of population solution.

### 5.4.3 'Emergency response' type response

The third option that was considered was the National Emergency Response Intervention (the Intervention), that was rolled out in the Northern Territory of Australia in 2007.<sup>190</sup> The Intervention has few similarities to the Maranguka Justice Reinvestment Project in Bourke.

The Intervention in the Northern Territory introduced a range of measures, including: alcohol restrictions; compulsory income management; enforcing school attendance; compulsory health checks for children; acquisition of 73 prescribed townships; increased policing; housing and tenancy reform; banning pornography; introducing government-appointed business managers in prescribed communities.

Researchers Jon Altman and Susie Russell from the Centre for Aboriginal Economic Policy Research at the Australian National University analysed subsequent evaluations of the Intervention and made a number of findings. Altman and Russell found the Intervention was developed quickly, without comprehensive policy development, without a clear evidence-base or coherent policy logic model, and without an overarching evaluation plan to monitor and evaluate outcomes for Indigenous peoples. The Intervention also required the suspension of the federal Racial Discrimination Act.<sup>191</sup>

The scope, targeted groups and timeframes for the Intervention have varied significantly since its introduction in 2007. The Intervention was originally intended to end in June 2012, however

<sup>190</sup> Altman and S Russell, 'Too much dreaming: Evaluations of the Northern Territory National Emergency Response Intervention 2007-2012' (2012) *Centre for Aboriginal Economic Policy Research, Australian National University*.

<sup>191</sup> J Altman and S Russell, 'Too much dreaming: Evaluations of the Northern Territory National Emergency Response Intervention 2007-2012' (2012) *Centre for Aboriginal Economic Policy Research, Australian National University*.





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legislation has locked in key aspects of the Intervention until 2022 under the new title, Stronger Futures in the Northern Territory.

An emergency response differs to the Maranguka Justice Reinvestment Project in Bourke in a number of significant ways, including:

- The Maranguka Justice Reinvestment Project in Bourke will use comprehensive data to measure outcomes for children, young people and the community in Bourke, whereas an emergency response aims to address an existing 'crisis' situation.
- The Maranguka Justice Reinvestment Project in Bourke has lower implementation risks as it builds on the existing and significant community support for the initiative, whereas there would be strong community opposition to an emergency response such as the Northern Territory intervention.
- The Maranguka Justice Reinvestment Project in Bourke is place-based and tailored to meet the needs of the local community, whereas an emergency response is primarily directed to addressing the identified situation of crisis.

The Intervention contrasts in a number of fundamental ways from the Maranguka Justice Reinvestment Project in Bourke. The locus of control and responsibility for each approach contrasts greatly with the Bourke approach being community owned and community-led.

#### 5.4.4 Maranguka Justice Reinvestment Project in Bourke

The Maranguka Justice Reinvestment Project in Bourke was contrasted to the three previous approaches: no change, the introduction of an early intervention program, or an emergency response.

The Maranguka Justice Reinvestment Project in Bourke is considered to be a more favourable approach across the majority of criteria that were used for comparison, relative to the alternative approaches that were considered. Table 5-3 below presents the contrasts in the approaches. The analysis highlights that the Bourke approach involves structural change in the social and economic conditions which contribute to higher rates of crime, which, if successful will involve long term fundamental change in the community. The Bourke approach is community driven, fosters community self-governance, and changes the dynamic of the Indigenous community with young people; the approach takes a long term perspective, is evidence based, uses data, and involves each sector (community, government, non-government and corporate) to work together to create change.

Although the Bourke approach is promising, there are three criteria for comparison where outcomes from the Maranguka Justice Reinvestment Project in Bourke are yet to be determined (TBD) and cannot be assessed at this point in time:

- The Maranguka Justice Reinvestment Project in Bourke is based on an established evidence-base for Justice Reinvestment as an approach to reducing offending and incarceration, a rapidly developing evidence-base for Collective Impact as a collaborative approach to solving social problems, and international and Australian research to show the importance of Indigenous self-governance as a precursor to improving economic and social conditions in Indigenous communities; however, the evidence-base for specific initiatives under the Maranguka Justice Reinvestment Project in Bourke is yet to be determined and there is a need to exhaust the available evidence-base to identify, select and assess the likely success of specific initiatives to address the underlying economic and social conditions which contribute to higher rates of crime in Bourke.
- The Maranguka Justice Reinvestment Project in Bourke is data-driven and underpinned by ongoing monitoring and evaluation, and set timeframes for reductions in young people's offending are yet to be determined.



- The Maranguka Justice Reinvestment Project in Bourke implementation is ongoing, and it is a novel initiative so there is no history of successful implementation in an Indigenous community in Australia, and so successful implementation is yet to be determined.

Each of these points will need to be considered in the future development and implementation of the Bourke approach.

In the next section the progress to date is considered and contrasted to the theoretical basis of the approach.

**Table 5 3** Comparison of the Maranguka Justice Reinvestment Project in Bourke to alternative approaches

Area	Criteria for comparison	Comparison of four options			
		No change	Specific early intervention program	Emergency response	Maranguka Justice Reinvestment Project in Bourke
Impacts on causes of crime	Addresses economic and social conditions which contribute to higher rates of crime in Bourke	Partially	×	Partially	✓
	Considers how the criminal justice system contributes to young people's offending	×	✓	×	✓
Impacts on service system	Strengthens the design and delivery of community services in Bourke by addressing the critical issues that have been identified	×	×	Partially	✓
Involvement of the community	Promotes and fosters Indigenous self-governance in Bourke	×	×	×	✓
Evidence based options	Involves no additional government expenditure	✓	×	×	✓
	Maintains or increases public safety	×	✓	×	✓
	Supported by research and an evidence-base	Partially	TBD	×	TBD
	Uses comprehensive data to measure outcomes for children and young people	×	Partially	×	✓
	Options are place-based and tailored to meet the needs of the local community	Partially	Partially	×	✓
Potential for	Risks of implementation	×	×	×	✓



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Area	Criteria for comparison	Comparison of four options			
		No change	Specific early intervention program	Emergency response	Maranguka Justice Reinvestment Project in Bourke
successful implementation	are lowered by building on existing community support				
	Options have been previously implemented in Australia in Indigenous communities	✓	Partially	✓	TBD
	Strong cross-sectoral authorising environment to support change is established	✗	✗	✗	Partially
	Reductions in young people's offending will be realised within set timeframes	✗	TBD	Partially	TBD
		Does not achieve policy or community objectives	Could be considered	Does not achieve policy or community objectives	Approach offers promise of achieving objectives

# Section 6







# 6 Key Findings and Recommendations

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Progress to date in implementing the Maranguka Justice Reinvestment Project in Bourke has been assessed against both the Collective Impact approach and against the Justice Reinvestment model.

Each approach has a sequence of steps, preconditions and essential elements that need to be developed in order for the approach to be effective. The Community-led Collective Impact approach has five elements which are outlined and defined in Section 1.4; while Justice Reinvestment has four key phases.

## Assessment of progress

Progress on essential elements of a Community-led Collective Impact approach and the Justice Reinvestment approach was assessed. Progress was rated and given a summary icon (as shown in Figure 6-1), as to whether the condition had been implemented, was in progress, was continually required during the project or was yet to be developed. The next section describes progress on each of the elements of the Collective Impact approach and the following section walks through the Justice Reinvestment approach.

Indigenous self-governance is also fundamental to the project. While assessment of progress around Indigenous self-governance is outside the scope of this report, it is to be noted that Just Reinvest NSW has reported that the community has sought and obtained comprehensive legal advice on the effective implementation of its governance structure. Recognising the limitation of Aboriginal working parties as a government initiative, the Bourke Tribal Council is operating on the premise that critical to the legitimacy of its governance structure is that it constitute a representative body, in that each of the 21 family groups in Bourke be represented.

Figure 6-2 below provides an overview of progress to date in implementing the Maranguka Justice Reinvestment Project in Bourke.

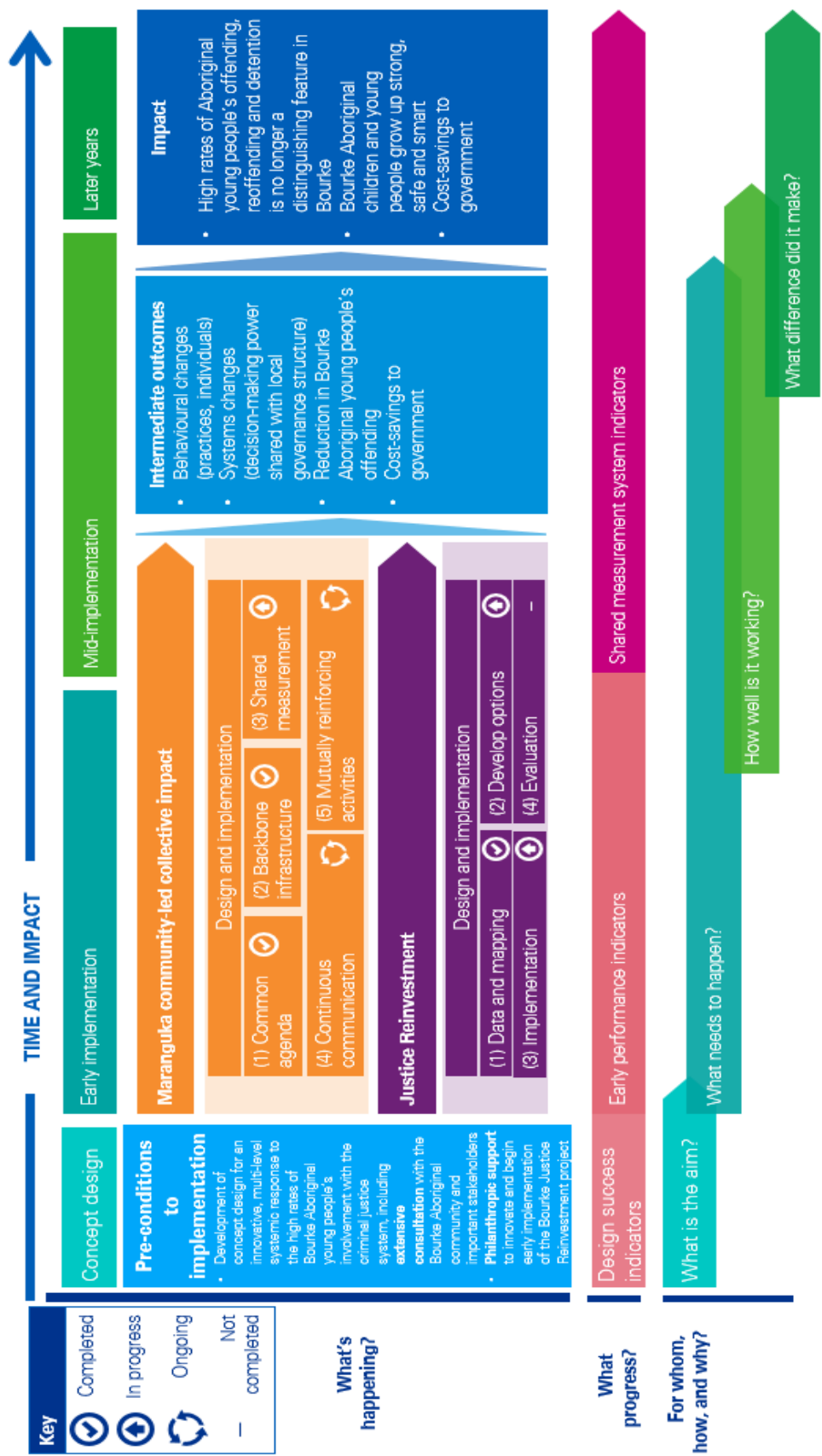
**Figure 6 1** Key - Assessment of progress icons





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**Figure 6 2.** Overview of progress to date in implementing the Maranguka Justice Reinvestment Project in Bourke



Source: KPMG 2016

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## 6.1 PROGRESS IN IMPLEMENTING THE MARANGUKA COMMUNITY-LED COLLECTIVE IMPACT APPROACH

Progress on each of the five elements of the Collective Impact approach are outlined in the section that follows. The analysis shows that the common agenda and backbone organisation have already been established, and definition of shared measurement system is underway.



### Condition 1 | Common agenda



The Maranguka Justice Reinvestment Project in Bourke has established a common agenda. This has been established through a consultative community process which has taken several years and has been developed at the invitation of the community. The work involved in developing a common agenda should not be underestimated.

The project has sought the views of a wide range of stakeholders to set a common agenda to reduce Bourke Aboriginal young people's high rates of involvement with the criminal justice system.

A common agenda has continued to develop from concept design and early consultations with the Bourke Aboriginal community, to establishing a Steering Committee to support the project, to the Cross-Sector Leadership Group of Senior Executives in NSW Government, to now developing Working Groups based in the Bourke community made up of service providers, community members, and representatives of the Maranguka Justice Reinvestment Project in Bourke.

Project sponsors, the Bourke Tribal Council, the Bourke Aboriginal community, NSW Government Ministers and Senior Executives, and service providers and practitioners in Bourke now have a common understanding about the identified need to reduce Bourke Aboriginal young people's offending and incarceration. To varying degrees there is also a common agenda to pursue implementation of the Maranguka Justice Reinvestment Project in Bourke, and recognition that the project is an innovative, multi-level systemic response.

Appendix B includes a list of members of the Steering Committee to support the Maranguka Justice Reinvestment Project in Bourke.

Appendix C includes a list of stakeholders related to the project, stakeholder roles, and stakeholder engagement mechanisms.



### Condition 2 | Backbone infrastructure (BBI)



Philanthropic funders have provided resources to establish and operate the backbone organisation over the three-year period between 2016-17 and 2018-19.

Appendix C describes in detail the dedicated staffing for the backbone organisation, which has an estimated annual staffing cost of \$554,800.

The backbone organisation is responsible for leading the Maranguka Justice Reinvestment Project in Bourke, providing project management support, monitoring progress towards the common



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agenda and aim to reduce Bourke Aboriginal children and young people's offending and incarceration, convening partners and important stakeholders in Bourke to make sure efforts are aligned with the common agenda, supporting the use of data and a shared measurement system to promote accountability and securing ongoing resources from public and private sources to ensure there is sufficient funding to support the project.

Regarding next steps, resourcing is currently being sought for a Governance Development Officer and pro bono advice from a legal firm is facilitating the process of determining the most appropriate community governance structure, including developing a proposed model of incorporating Maranguka as a legal entity.



### Condition 3 | Shared measurement system



As outlined in Section **Error! Reference source not found.**, the Maranguka Justice Reinvestment Project in Bourke has a set vision, intended outcome and specific goals in four main areas: early childhood and parenting; children and young people aged 8 to 18 years; the role of men; and service delivery reform. A data warehouse has been established and key data regarding Bourke has been shared with the community.

Although existing data sets have been explored, outcome measures, and success rates for each of the target areas are currently being explored and developed are part of the next steps in development of the project.

Setting outcomes, collecting data, and measuring results consistently against the vision, and intended outcomes in each goal areas is central to aligning the efforts of project stakeholders and to develop accountability.

The backbone organisation supporting the Maranguka Justice Reinvestment Project in Bourke has recruited a Collective Impact Consultant to develop a shared measurement system and establish the necessary practices so that the measurement system is valued, used and transparent. Outcome measures will be finalised in the next steps process.

As the development and implementation of the shared measurement system progresses, some important considerations will be to include:

- a common set of indicators and data collection methods;
- clear measureable outcomes that provide evidence of achievement of outcomes that are based on existing research and evidence internationally;
- development of data sharing requirements to support collaboration between project partners;
- checkpoints and key milestones to assess and re-assess indicators, data collection methods, and approaches to sharing findings as needed;
- provision of reliable, useful and timely reports based on the shared measurement system;





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- user friendly development of the system for project partners;
- adaptation of the system to changes in measurement priorities and approaches as the project evolves; and
- commitment by project partners to collecting data as defined in the data plan.<sup>192</sup>



### Condition 4 | Mutually reinforcing activities



With a common agenda having been established in the community, and a backbone organisation underway, the project is moving towards mutually reinforcing activities.

Service delivery reform through introduction of a more collaborative structure is one of the four main goals of the Maranguka Justice Reinvestment Project in Bourke.

As of May 2016, Working Groups are in the final stages of being established, with Working Group members and terms of reference being finalised. The purpose of the Working Groups is to develop alignment of project stakeholders, including service providers in Bourke, to the community goals, so that services operate in a coordinated and mutually reinforcing way. Central to the model is reporting of the Working Groups to the Bourke Tribal Council, which will provide feedback and input to the Groups.

Some important indicators of success for this structure will be:

- regular reporting and feedback to the Bourke Tribal Council;
- developing an action plan that clearly specifies the activities of different project partners for implementing;
- coordination of Working Group activities with the plan of action;
- project partners having a clear understanding about the roles of Working Groups and how these collaborative structures will support the common agenda and intended outcome to reduce Bourke Aboriginal children and young people's high rates of involvement with the criminal justice system; and
- project partners and Working Groups identifying and implementing new strategies or activities to address gaps or duplication in services.<sup>193</sup>



### Condition 5 | Continuous communication and cooperation



The common agenda to reduce Bourke Aboriginal children and young people's high rates of involvement with the criminal justice system has been set, and a backbone organisation to support the implementation of the Maranguka Justice Reinvestment Project in Bourke established.

Continuous communication and cooperation will be required

<sup>192</sup> H Preskill, M Parkhurst, J Juster, 'Guide to Evaluating Collective Impact – Volume 3: Samples questions, outcomes, and indicators' *Collective Impact Forum* (2014) 14-15.

<sup>193</sup> H Preskill, M Parkhurst, J Juster, 'Guide to Evaluating Collective Impact – Volume 3: Samples questions, outcomes, and indicators' *Collective Impact Forum* (2014) 13.



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throughout project implementation to build trust, assure project stakeholders the agreed intended outcome and goals are being achieved, and to create a common motivation for ongoing efforts.

The backbone organisation supporting the Maranguka Justice Reinvestment Project in Bourke plans to recruit an Administrative and Communications Project Officer to support continuous communication. It will be critical for Working Groups to regular report to the Bourke Tribal Council.

Some important indicators of success will include:

- regular Working Group meetings, and members of Working Groups fully participating and reporting to the Bourke Tribal Council;
- regular communication and coordination between the project partners and the backbone organisation; and
- the project sponsors and backbone organisation engaging stakeholders outlined in Appendix B and integrating stakeholder feedback into the overall approach to the project.

The assessment has shown that there have been extensive consultations with the Bourke Aboriginal community and key stakeholders to develop an innovative, multi-level systemic response to achieve the identified aim. The approach has also been built upon the securement of philanthropic support to begin early implementation of the project.

Through this extensive amount of development work, the analysis shows that a common agenda and a 'backbone organisation' have been established; and structures have been put in place which will enable the development of a shared measurement system. The next aspect to be developed will be development of mutually reinforcing activities. Continuous communication and cooperation has been a feature of the approach to date, and this requirement will be needed for the duration of the project.

## 6.2 PROGRESS IN IMPLEMENTING JUSTICE REINVESTMENT IN BOURKE

Progress was also assessed against the four elements of Justice Reinvestment. A summary of the analysis is shown in the figure that follows



### Phase 1 | Mapping and analysis of demographic and justice data



Sponsors of the Maranguka Justice Reinvestment Project in Bourke have mapped important demographic and justice data, and have identified the need to reduce the high rates of Bourke Aboriginal children and young people's offending and incarceration.

As part of the Preliminary Assessment conducted by KPMG, the high rates of and primary drivers behind Bourke Aboriginal children and young people's involvement with the criminal justice system have been documented in Section 3, and selected costs associated with their involvement with the justice system have been estimated in Section 5.



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## Phase 2 | Development of options



Potential activities and strategies to reduce Bourke Aboriginal children and young people's offending and incarceration have been identified through the Collective Impact work of the Maranguka Community-led, collaborative approach to set a common agenda in Bourke.

The common agenda has set a collective vision, defined an intended outcome and identified specific goals in four main areas. The evidence-base to develop specific options and support activities and strategies under the goal areas has been generally explored and has not yet been comprehensively exhausted. Once the evidence has been examined, there will still need to be a trial and test approach so that the approach is specifically tailored to the local conditions and Aboriginal community.

As part of the development and planning phase, evidence-based options should be developed under each of the specific goals and critically appraised.

Indicators of success will include:

- identifying specific strategies and activities to address the primary drivers behind Bourke Aboriginal children and young people's offending and incarceration based on a critical appraisal of the evidence-base;
- identifying the likely success of evidence-based options and the anticipated level of improvement in outcomes for children and children and young people; and
- selecting from the options developed the most appropriate for implementation under the Maranguka Justice Reinvestment Project in Bourke.



## Phase 3 | Implementation



Once specific options to address the primary drivers behind Bourke Aboriginal children and young people's offending and incarceration have been developed and agreed to, implementation can be advanced.

Specific initiatives targeted as justice 'circuit breakers' are already being rolled out including the driver licensing program, bail protocols and the warrant clinic. In parallel, Working Groups under the Maranguka Justice Reinvestment Project in Bourke to support achievement of the four main goals areas are already being finalised, and these Working Groups should be engaged in both the development of options phase and the implementation phase.

Indicators of success will include:

- development of a comprehensive implementation plan, which identifies barriers to successful implementation and mitigation strategies, and specifies estimated timeframes for the achievement of project goals;
- being able to estimate anticipated cost-savings from implementing the project, and areas for reinvesting savings as successful



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outcomes from the project are realised;

- formalising community governance arrangements and incorporation of Maranguka as a legal entity; and
- development of relevant supports to ensure there is an authorising environment for the continued implementation of the project. For example, government developing a new way of working in partnership with the project; facilitating data sharing, and recognising the Bourke Tribal Council as the Aboriginal local governance mechanism to enable local decision making about the delivery and coordination of community services in Bourke.



## Phase 4 | Evaluation

Ongoing monitoring of policy changes and the continuous collection and analysis of data is required, which will enable the relevant planning group to adapt to both demographic changes in the local population and structural changes within the criminal justice system.

The evaluation of the Maranguka Justice Reinvestment in Bourke (Phase 4) is linked to the shared measurement system of the Community-led Collective Impact approach (Condition 3). Once the baseline has been set and specific activities have been developed, the evaluation can be designed.

The analysis of the Justice Reinvestment phases has shown that the project has established the mapping and analysis (Phase 1) and has begun to develop options (Phase 2). Once this work is consolidated, implementation of the approach in each target area can proceed. The final step is evaluation, which can be designed once the approach is finalised in each target area.

## 6.3 SUMMARY ASSESSMENT AND NEXT STEPS

This section summarises the Preliminary Assessment made in this report and, based on progress made to date, considers the next steps in advancing implementation of the Maranguka Justice Reinvestment Project in Bourke.

### Confirmation of the problem definition

In this Preliminary Assessment, the social and economic problems in Bourke have been clearly defined. The synthesis of the research and literature shows that the town has been identified over a number of decades to have persistent disadvantage. The focus of the Maranguka Justice Reinvestment Project in Bourke is the high rates of Aboriginal juvenile and young adult offending; rates of domestic violence are also high (and are the highest in NSW).

Previous research has found that the service system to be characterised by gaps, overlapping services and a lack of coordination, and in 2011 a new approach to service design and delivery has been recommended by the NSW Ombudsman.

The Bourke community has mobilised to develop a response to the high rates of offending by Aboriginal children and young people. The approach that has been developed in the community since 2012 is a Community-led Collective Impact approach to Justice Reinvestment.

### Assessment of the approach

In the Preliminary Assessment, it has been found that the approach aligns with NSW Government and Australian Government justice, early intervention and Indigenous policies designed to promote





prevention of social problems, Indigenous self-governance and prevention of crime. The approach is aligned with a pathways life course analysis of juvenile and young adult crime and crime prevention.

The Justice Reinvestment approach, when contrasted with several other crime prevention approaches was found to be a promising approach on a number of criterion. The approach has the potential to address the underlying causes of crime, the approach is data driven and it is community-led.

### **Progress – Collective Impact**

The project has established a common agenda, set up a backbone infrastructure to support the project and has undertaken an extensive amount of work on establishing a shared measurement system.

The common agenda was established through a consultative community process which has taken several years and has been developed at the invitation of the community. Project sponsors, Maranguka, the Bourke Tribal Council, the Bourke Aboriginal community, NSW Government Ministers and Senior Executives, and service providers and practitioners in Bourke now have a common understanding about the identified need to reduce Bourke Aboriginal children and young people's offending and incarceration.

Continuous communication and cooperation will be required throughout project implementation to build trust, assure project stakeholders the agreed intended outcome and goals are being achieved, and to create a common motivation for ongoing efforts.

### **Progress – Justice Reinvestment**

The project has established the first two phases of Justice Reinvestment, work has been undertaken on mapping and analysis of demographic data and options are in the process of being developed or are in the early stages of development.

Sponsors of the Maranguka Justice Reinvestment Project in Bourke have mapped demographic and justice data, and have identified the need to reduce the high rates of Bourke Aboriginal children and young people's offending and incarceration.

Potential activities and strategies to reduce Bourke Aboriginal children and young people's offending and incarceration have been identified through the Collective Impact work of the Community-led Collective Impact approach to set a common agenda in Bourke.

As part of the development and planning phase, evidence-based options should be developed under each of the specific goals and critically appraised. Once specific options to address the primary drivers behind Bourke Aboriginal children and young people's offending and incarceration have been developed and agreed to, implementation can be advanced. Working Groups under the Maranguka Justice Reinvestment Project in Bourke to support achievement of the four main goals areas are being finalised.

Once the activities have been selected and goals and measures established, an evaluation plan can be developed. Phase 4, the evaluation, is the final phase of a Justice Reinvestment Project.

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Progress to date on both approaches is summarised below.

Figure 6 3: Summary of implementation progress

Summary of progress in implementing the Community-led Collective Impact approach			Summary of progress in implementing Justice Reinvestment in Bourke		
	Element 1   Common agenda			Phase 1   Mapping and analysis of demographic and justice data	
	Element 2   Backbone infrastructure (BBI)			Phase 2   Development of options	
	Element 3   Shared measurement system			Phase 3   Implementation	
	Element 4   Mutually reinforcing activities			Phase 4   Evaluation	
	Element 5   Continuous communication and cooperation				

Source: KPMG 2016

### Next Steps

Given the progress of the project to date the project is at a pivotal juncture. The development of the Justice Reinvestment approach is being progressed and has the potential to have a significant impact in Bourke. With a common agenda and goals established, it is timely to strengthen the governance arrangements, reconsider risks and refresh project management. Some of the crucial next steps are outlined in Table 6-1.

The Maranguka Justice Reinvestment Project in Bourke now requires strong implementation with alignment of interests and support. To achieve effective implementation, three critical areas that impinge on implementation have been identified. Figure 6-4 below outlines the main areas of political, policy and practitioner support required for the project.

Critical to success will be government establishing new ways of working alongside and in partnership with the project. The project requires recognition from government that it is as an innovative, multi-level systemic response; the involvement of NSW Government Senior Executives is required on the Cross-Sector Leadership Group; data sharing is still required for the remainder of the work, and service providers and practitioners are required in the relevant Working Groups under the project. These elements are outlined further in Appendix D which shows the main areas of political, policy and practitioner support needed for the project to succeed.



**Figure 6 4** Supports to create an authorising environment for the Maranguka Justice Reinvestment Project in Bourke

Source: Just Reinvest NSW (2016)



**Table 6 1 – Next steps**

<b>Governance</b>	<p><b>Refresh formalise and implement effective governance arrangements with existing partners.</b></p> <p>Clarify the roles and responsibilities of project stakeholders, for example that Maranguka incorporate to take local accountability of project implementation.</p> <p>Clarify the role of government in the project going forward and how government can work alongside the community within the project model</p> <p>Consider exist strategy for philanthropic partners</p> <p>Consider how project sponsors will achieve an authorising environment for the continued implementation of the project.</p>
<b>Project management</b>	<p><b>Establish an implementation plan for the Maranguka Justice Reinvestment Project in Bourke</b></p> <p>Establish an implementation plan which specifies project requirements, and clear timeframes for implementation.</p> <p>Refresh the project's risk register and consider risks and mitigation strategies at this point in time.</p>
<b>Developing options</b>	<p><b>Identify evidence-based options under the four main goal areas of the Maranguka Justice Reinvestment Project in Bourke.</b></p> <p>Consider the literature and evidence for each option, including the success rate and whether the option has been developed within a remote Aboriginal community and consider this within a trial and test approach</p> <p>If the project sponsors need to make the case for additional expenditure to support the selected option, establish specific cost-savings.</p>
<b>Evaluation plan</b>	<p><b>Develop an evaluation plan</b></p> <p>Specify program logic to show a chain of reasoning that connects the project actions and specific strategies with the intended outcome.</p> <p>Determine measurable outcomes for the project (including each of the four strategy areas).</p> <p>Specify the evaluation methods (including the use of baseline and proposed analysis) and the timing for the evaluation.</p>



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**Reinvestment case for government****Develop Justice Reinvestment economic appraisal**

Once specific approaches in each of the target areas have been developed and success rates are known, specific costs and savings can be calculated and the Justice Reinvestment analysis can be made.

Quantify cost-savings and economic savings to government based on evaluation outcomes.

Consider and develop mechanisms for justice reinvestment (including options such as social investment and or pooled funding options)

Findings of the assessment of have led to the development of a number of recommendations regarding next steps for the project.

The respective roles of key stakeholders should be considered. Now that the community has established goals, and philanthropic funding has enabled the backbone organisation to be established, it is a pivotal point in time to consider the role of government and consider an exit strategy for the philanthropic funders.

*To achieve the policy objectives of the NSW and Australian Government in reducing contact of children and young people with the justice system a new approach is needed.*

*For the Maranguka Justice Reinvestment Project in Bourke to remain a Community-led collaborative approach, new structures and ways of working will need to be developed and implemented so that government can actively collaborate and participate in the project rather than directing, owning and running the project. Without a new way of working, the outcomes to be achieved by the project will be at risk.*

*To facilitate full implementation of the project the following recommendations have been made:*

**Recommendation 1:** Refresh, formalise and implement effective governance arrangements with existing partners, including:

- *Obtain recognition from government that there is a case for change in Bourke, and that the project offers an innovative, multi-level systemic response.*
- *Develop a new way for government to work alongside the community within the project model to form a partnership between government and key stakeholders to support implementation of the project (for example, Senior Executives to participate in the Cross-Sector Leadership Group and participation by service providers and practitioners in relevant Working Groups under the project).*
- *For government to work with the Bourke Tribal Council as the Aboriginal local governance mechanism to enable local decision making about the delivery and coordination of community services in Bourke.*
- *Clarify and codify the governance and legal structures needed to support the Bourke Tribal Council as the authoritative Aboriginal local governance mechanism over Maranguka.*
- *Consider an exit strategy for philanthropic partners.*

**Recommendation 2:** Establish an implementation plan for the project with clear links to project governance:

- *Cross-Sector Leadership Group to consider: reducing barriers to local decision making, consider innovative funding mechanisms such as pooled funding, identifying policy and other changes needed to support the project.*
- *Establish an implementation plan which supports achievement of the strategy through testing and trialing what works in Bourke, using data to continuously learn, adapt, and improve; and develop milestones and timeframes within this approach.*





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- *Refresh the project's risk register and consider risks and mitigation strategies at this point in time.*

In addition to strengthened governance, the next steps in the project are to further refine options and develop an evaluation plan. This work involves carefully assessing the evidence base for each option. Realistically, it is unlikely that there will be many options that have been tested and trialled within a similar context within an Aboriginal community. It may, therefore take a while to develop up, test and trial a particular approach within the Bourke context. When options are finally developed, it is at this point in time that an evaluation plan can be formulated.

**Recommendation 3:** *Identify evidence-based options under the four main goal areas of the project and implement within a test and trial approach relevant to an Aboriginal community*

- *Consider the literature and evidence for each option, including the success rate and whether the option has been developed within a remote Aboriginal community.*
- *If the project sponsors need to make the case for additional expenditure to support the selected option, establish specific cost-savings.*

**Recommendation 4:** *Develop an evaluation plan*

- *Specify program logic to show a chain of reasoning that connects the project actions and specific strategies with the intended outcome.*
- *Determine measurable outcomes for the project under each of the identified focus areas.*
- *Facilitate access and sharing data on Bourke Aboriginal children, young people and families to enable monitoring and evaluation of the Bourke Justice Reinvestment Project.*
- *Strengthen the processes needed for a test and trial approach, and the use of data to continuously learn, adapt, and improve.*
- *Specify the evaluation methods (including the use of baseline and proposed analysis) and the timing for the evaluation.*

**Recommendation 5:** *Develop Justice Reinvestment economic appraisal*

- *Once specific approaches in each of the target areas have been developed and success rates are known, specific costs and savings can be calculated and the Justice Reinvestment analysis can be made.*
- *Quantify cost-savings and economic savings to government based on evaluation outcomes.*
- *Establish financial mechanism for government to reinvest savings and realise Justice Reinvestment.*

Given that the approach is closely aligned with many policy directions and has made significant progress, the approach is a promising initiative to address offending of young Aboriginal people in Bourke. The next steps will be crucial in determining whether the approach, through its development over a number of years, is able to deliver outcomes in Bourke and make a real difference in the lives of Aboriginal children and young people in that community.

# Appendices



# Appendix A:

## MARANGUKA JUSTICE REINVESTMENT PROJECT IN BOURKE STEERING COMMITTEE

Member	Representative
Maranguka, Executive Director and Founder	Alistair Ferguson
Bourke Tribal Council & Aboriginal Education Consulting Group	Maxine Mackay
Just Reinvest NSW; Aboriginal Legal Service NSW/ACT	Sarah Hopkins
Collaboration for Impact	Kerry Graham
Lendlease	Cath Brokenborough
John Henry	Cambridge Education
Jesuit Social Services	Sally Parnell
	Xavier Desmarchelier
Healing Foundation	Patrick Shepherdson
Youth Off the Streets	Mark Hollman
Human Rights Law Centre	Ben Schokman
KPMG	Ruth Lawrence
<b>Philanthropic funders</b>	
Dusseldorp	Margot Beach
Vincent Fairfax Family Foundation	Emily Fuller
<b>Australian Human Rights Commission</b>	
Aboriginal and Torres Strait Islander Social Justice Commissioner	Mick Gooda
National Children's Commissioner	Megan Mitchell
<b>NSW Government</b>	
NSW Health	Kim Browne
NSW Aboriginal Affairs	Steven Gal
	Steve Kinmond
NSW Ombudsman	Danny Lester
	Julianna Demetrius
Legal Aid NSW	Jenny Lovric
<b>Federal Government</b>	
Prime Minister and Cabinet	Gary Powell

**Source:** *Just Reinvest NSW (2016)*

# Appendix B:

## STAKEHOLDER ROLES AND ENGAGEMENT

Stakeholder category	Stakeholder	Role	Potential issues and opportunities	Engagement tools
Community	Bourke Community	<ul style="list-style-type: none"> <li>• Identification of issues facing the community</li> <li>• Advocate for the need to address community challenges</li> <li>• Formation of the Bourke Aboriginal Community Working Party and Bourke Tribal Council</li> </ul>	<p>Potential Opportunities</p> <ul style="list-style-type: none"> <li>• Community empowerment through ownership of initiative</li> </ul> <p>Potential Issues</p> <ul style="list-style-type: none"> <li>• Community disenfranchisement if not properly consulted</li> </ul>	<ul style="list-style-type: none"> <li>• Representation in the Bourke Tribal council, the Bourke Aboriginal Community Working Party, and the Maranguka Justice Reinvestment Project in Bourke Steering Committee</li> </ul>
	Bourke Tribal Council	<ul style="list-style-type: none"> <li>• Ensure every family and clan has input into community development</li> <li>• Foster cultural and community leadership</li> </ul>	<p>Potential Opportunities</p> <ul style="list-style-type: none"> <li>• Community empowerment through ownership of initiative</li> </ul> <p>Potential Issues</p> <ul style="list-style-type: none"> <li>• Community disenfranchisement if not properly consulted</li> </ul>	<ul style="list-style-type: none"> <li>• Representation in the Bourke Aboriginal Community Working Party, and the Maranguka Justice Reinvestment Project in Bourke Steering Committee</li> </ul>
	Bourke Aboriginal Community Working Party	<ul style="list-style-type: none"> <li>• Formed to address high levels of social disadvantage, rising crime and anti-social behaviour in Bourke Aboriginal community</li> </ul>	<p>Potential Opportunities</p> <ul style="list-style-type: none"> <li>• Community empowerment through ownership of initiative</li> </ul> <p>Potential Issues</p> <ul style="list-style-type: none"> <li>• Community disenfranchisement if not properly consulted</li> </ul>	<ul style="list-style-type: none"> <li>• Representation in the Maranguka Justice Reinvestment Project in Bourke Steering Committee</li> </ul>
	Maranguka backbone organisation	<ul style="list-style-type: none"> <li>• Guide strategy development, support alignment of others towards the strategy</li> <li>• Build the shared measurement</li> </ul>	<p>Potential Opportunities</p> <ul style="list-style-type: none"> <li>• Identification of service gaps and duplication</li> <li>• Reducing confusion</li> </ul>	<ul style="list-style-type: none"> <li>• Representation in the Maranguka Justice Reinvestment Project in Bourke Steering Committee</li> </ul>





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Stakeholder category	Stakeholder	Role	Potential issues and opportunities	Engagement tools
		system <ul style="list-style-type: none"> <li>Support data-informed learning, experimentation and adaption, advance policy, build public will, raise resources,</li> </ul>	around service provision <ul style="list-style-type: none"> <li>Community empowerment through ownership of initiative</li> </ul> Potential Issues <ul style="list-style-type: none"> <li>Community disenfranchisement if not properly consulted</li> </ul>	
<b>Philanthropy</b>	Dusseldorp Forum and the Vincent Fairfax Family Foundation	<ul style="list-style-type: none"> <li>Provide seed funding to enable community engagement and early project implementation</li> </ul>	Potential Opportunities <ul style="list-style-type: none"> <li>Support a lighthouse initiative</li> </ul> Potential Issues <ul style="list-style-type: none"> <li>Exit plan</li> </ul>	<ul style="list-style-type: none"> <li>Direct engagement from project sponsors</li> </ul>
<b>Government</b>	NSW Treasury	<ul style="list-style-type: none"> <li>Providing data to assist the Bourke community in understanding issues faced</li> <li>Comprehensive service mapping and the development of options to link services and outcomes to investment decisions</li> </ul>	Potential Opportunities <ul style="list-style-type: none"> <li>Strong quantitative evidence base to inform Maranguka Justice Reinvestment Project in Bourke</li> <li>Provide innovative financing models to support the project and Justice Reinvestment</li> </ul> Potential Issues <ul style="list-style-type: none"> <li>Barriers to accessing data</li> </ul>	<ul style="list-style-type: none"> <li>Direct engagement from Just Reinvest NSW, project sponsor</li> </ul>
	NSW Police	<ul style="list-style-type: none"> <li>Support the Maranguka Justice Reinvestment Project in Bourke by developing agreements about policing and justice responses in the Bourke community</li> </ul>	Potential Opportunities <ul style="list-style-type: none"> <li>Involvement in community development initiatives, for example PCYC mentoring program</li> <li>Development of protocols around policing and justice responses to Bourke Aboriginal young people</li> <li>Reduce crime and increase community safety</li> </ul>	<ul style="list-style-type: none"> <li>Direct engagement with the Bourke Community and through the Maranguka Justice Reinvestment Project in Bourke backbone organisation</li> </ul>



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			Potential Issues	
			<ul style="list-style-type: none"> <li>NSW Police and Bourke law enforcement may not have sufficient authorisation to develop tailored ways of working with the Bourke community</li> </ul>	
	NSW Department of Family and Community Services	<ul style="list-style-type: none"> <li>Provider of support services to Bourke community</li> <li>MOU with Maranguka</li> </ul>	Potential Opportunities <ul style="list-style-type: none"> <li>Service delivery reform</li> </ul> Potential Issues <ul style="list-style-type: none"> <li>Insufficient policy support from Departmental Senior Executives to complete Bourke reform agenda</li> </ul>	<ul style="list-style-type: none"> <li>Cross-Sector Leadership Group with Senior Executives from NSW Government</li> <li>Direct engagement from Just Reinvest NSW, project sponsor</li> </ul>
	Australian Human Rights Commission (Mick Gooda and Megan Mitchell)	<ul style="list-style-type: none"> <li>Facilitator of community development and community development</li> <li>Development of leadership capability</li> </ul>	Potential Opportunities <ul style="list-style-type: none"> <li>Advocates for reform of service delivery</li> </ul> Potential Issues <ul style="list-style-type: none"> <li>Commissioner advocacy priorities may change over time</li> </ul>	<ul style="list-style-type: none"> <li>Direct engagement with the Bourke Community</li> <li>Representation on the Maranguka Justice Reinvestment Project in Bourke Steering Committee</li> </ul>
	NSW Ombudsman	<ul style="list-style-type: none"> <li>Undertook inquiry into the provision of community services in Bourke in 2010</li> <li>Independent oversight over course of the Project</li> <li>Ongoing child abuse and neglect reporting role</li> <li>Deputy Ombudsman, Aboriginal Programs oversight of local-decision making by Aboriginal communities</li> </ul>	Potential Opportunities <ul style="list-style-type: none"> <li>Oversight of community services and local-decision making increases accountability and improves outcomes</li> </ul> Potential Issues <ul style="list-style-type: none"> <li>Community disenfranchisement if not properly consulted</li> </ul>	<ul style="list-style-type: none"> <li>Representation on the Maranguka Justice Reinvestment Project in Bourke Steering Committee</li> </ul>



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		<ul style="list-style-type: none"> <li>Cross- Sector Leadership Group</li> </ul>		
	NSW Department of Aboriginal Affairs	<ul style="list-style-type: none"> <li>Provide in-principle support to Maranguka Justice Reinvestment Project in Bourke</li> <li>Promote local decision-making</li> </ul>	<p>Potential Opportunities</p> <ul style="list-style-type: none"> <li>Contributes to creating an authorising environment for the continued implementation of the Maranguka Justice Reinvestment Project in Bourke</li> </ul> <p>Potential Issues</p> <ul style="list-style-type: none"> <li>Departmental priorities may change over time and Senior Executives may not remain engaged</li> </ul>	<ul style="list-style-type: none"> <li>Cross-Sector Leadership Group with Senior Executives from NSW Government</li> <li>Direct engagement from Just Reinvest NSW, project sponsor</li> </ul>
	<b>Community services</b>	<p>Aboriginal Legal Service</p> <ul style="list-style-type: none"> <li>Assist Aboriginal and Torres Strait Islander peoples through representation in court, advice and information, and referral to further support services</li> <li>Participation on working groups</li> </ul>	<p>Potential Opportunities</p> <ul style="list-style-type: none"> <li>Support for implementation of the Maranguka Justice Reinvestment Project in Bourke</li> </ul> <p>Potential Issues</p> <ul style="list-style-type: none"> <li>Access to funds and resources needed to provide legal supports</li> </ul>	<ul style="list-style-type: none"> <li>Representation on the Maranguka Justice Reinvestment Project in Bourke Steering Committee</li> </ul>
	Family Referral Service	<ul style="list-style-type: none"> <li>Offered through Maranguka to coordinate services for vulnerable families</li> </ul>	<p>Potential Opportunities</p> <ul style="list-style-type: none"> <li>Family support for Bourke families</li> </ul> <p>Potential Issues</p> <ul style="list-style-type: none"> <li>Lack of services to refer to</li> </ul>	
	Birrang and George Institute for Global Health; a Warrants Clinic	<ul style="list-style-type: none"> <li>Develop Driver's licence project</li> </ul>	<p>Potential Opportunities</p> <ul style="list-style-type: none"> <li>Support for implementation of the Maranguka Justice Reinvestment Project in Bourke</li> </ul> <p>Potential Issues</p>	<ul style="list-style-type: none"> <li>Evaluation</li> </ul>



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Stakeholder category	Stakeholder	Role	Potential issues and opportunities	Engagement tools
	Youth Off the Streets	<ul style="list-style-type: none"> <li>• Provide youth engagement services</li> <li>• Participation on working groups</li> <li>• MOU with Maranguka</li> </ul>	<p>Potential Opportunities</p> <ul style="list-style-type: none"> <li>• Support for implementation of the Maranguka Justice Reinvestment Project in Bourke</li> </ul> <p>Potential Issues</p> <ul style="list-style-type: none"> <li>• Commitment to the common agenda to reduce Bourke Aboriginal young people's offending and incarceration may change over time</li> </ul>	<ul style="list-style-type: none"> <li>• Representation on the Maranguka Justice Reinvestment Project in Bourke Steering Committee</li> </ul>
	PCYC	<ul style="list-style-type: none"> <li>• Provide youth engagement services</li> </ul>	<p>Potential Opportunities</p> <ul style="list-style-type: none"> <li>• Support for implementation of the Maranguka Justice Reinvestment Project in Bourke</li> </ul> <p>Potential Issues</p> <ul style="list-style-type: none"> <li>• Commitment to the common agenda to reduce Bourke Aboriginal young people's offending and incarceration may change over time</li> </ul>	<ul style="list-style-type: none"> <li>• Maranguka Justice Reinvestment Project in Bourke Working Groups</li> </ul>
<b>External facilitators</b>	Lend Lease and Cath Brokenborough	<ul style="list-style-type: none"> <li>• Facilitation of community development (outside of and within the community)</li> </ul>	<p>Potential Opportunities</p> <ul style="list-style-type: none"> <li>• Advocates for reform of service delivery</li> </ul> <p>Potential Issues</p> <ul style="list-style-type: none"> <li>• Loss of community capacity building without Lend Lease</li> </ul>	<ul style="list-style-type: none"> <li>• Representation on the Bourke Justice Reinvestment Project Steering Committee</li> </ul>
	Collective Impact Consultant, Collaboration for Impact	<ul style="list-style-type: none"> <li>• Capacity building for backbone team</li> <li>• Facilitation support</li> </ul>	<p>Potential Opportunities</p> <ul style="list-style-type: none"> <li>• Coordinate and facilitate within the collective impact structure</li> </ul>	<ul style="list-style-type: none"> <li>• Several Collective Impact Strategic Tools</li> </ul>





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Stakeholder category	Stakeholder	Role	Potential issues and opportunities	Engagement tools
			Potential Issues	
			<ul style="list-style-type: none"> <li>Not part of/or placed within the community</li> </ul>	
	Cambridge Education	<ul style="list-style-type: none"> <li>John Henry</li> </ul>	Potential Opportunities <ul style="list-style-type: none"> <li>Facilitate engagement and recording of young people's issues</li> </ul>	<ul style="list-style-type: none"> <li>Life mapping tool</li> </ul>
			Potential Issues	
			<ul style="list-style-type: none"> <li>Not part of/or placed within the community</li> </ul>	
	Just Reinvest NSW	<ul style="list-style-type: none"> <li>Facilitation of community development</li> <li>Advocates for Justice Reinvestment</li> <li>Cross-Sector Leadership Group</li> </ul>	Potential Opportunities <ul style="list-style-type: none"> <li>Interest in Justice Reinvestment from other communities</li> </ul> Potential Issue <ul style="list-style-type: none"> <li>Managing implementation as a project sponsor</li> <li>Not part of/or placed within the community</li> </ul>	<ul style="list-style-type: none"> <li>Representation on the Maranguka Justice Reinvestment Project in Bourke Steering Committee</li> </ul>

**Source:** *Just Reinvest NSW (2016) and communication with Executive Director, Maranguka*

# Appendix C:

## STAFFING FOR BACKBONE INFRASTRUCTURE

Position	Costing	Position description
Executive Director, Maranguka	Annual full-time salary with on-costs	<ul style="list-style-type: none"> <li>The Executive Director will be responsible for ongoing community and government engagement. Throughout the Collective Impact process, the Executive Director will be a conduit between the community, the service sector and the government. The Executive Director will also be involved in planning and overseeing all aspects of the project and its components, including: <ul style="list-style-type: none"> <li>detailed implementation planning;</li> <li>building and strengthening partnerships;</li> <li>high level strategic negotiation between stakeholders in Bourke, Dubbo and Sydney;</li> <li>presentation of the final implementation plan to the community and to NSW Government;</li> <li>team leadership and management;</li> <li>working with the Backbone Coordinator to facilitate the process of continuous communication; and</li> <li>ensuring ongoing community participation and engagement.</li> </ul> </li> </ul>
Project Director, Just Reinvest NSW	Annual part-time salary for two days work per week	<ul style="list-style-type: none"> <li>The Project Director will: <ul style="list-style-type: none"> <li>provide strategic advice on project design and delivery;</li> <li>co-coordinate government engagement;</li> <li>Chair the Steering Committee to support the Maranguka Justice Reinvestment Project in Bourke; and</li> <li>work with KPMG in preparing the Preliminary Assessment of the Maranguka Justice Reinvestment Project in Bourke.</li> </ul> </li> </ul>

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Position	Costing	Position description
Backbone Coordinator, Maranguka	Annual full-time salary and on-costs	<ul style="list-style-type: none"> <li>The Backbone Coordinator will facilitate and support the cross-sector collaboration and learning needed to achieve the Maranguka Justice Reinvestment Project in Bourke aim and goals. The Backbone Coordinator will be accountable for:</li> <li>working with the Executive Director to embed the Maranguka Justice Reinvestment Project in Bourke into the all parts of the Bourke community, and with those outside of Bourke who have influence over the achievement of the project aim and goals</li> <li>leading a small multi-disciplinary team whose role is to enable a whole-of-community collaborative response to achieve better service delivery outcomes</li> <li>building a communications strategy ensure stakeholders are informed and connected to the project</li> <li>working with the Community Data Manager to determine who needs what data, how and when</li> <li>working with the Executive Director and the Project Director to mobilise funding and advance policy change.</li> </ul>
Community Data Manager, from NSW Government secondment	Annual part-time salary of three days work per week, with on-costs	<ul style="list-style-type: none"> <li>The Community Data Manager will be seconded from NSW Government and regularly provide data to government, non-profits, philanthropists, businesses and community in relation to the Maranguka Justice Reinvestment Project in Bourke to:</li> <li>inform decision-making</li> <li>build understanding about what works in Bourke to reduce Aboriginal young people's offending.</li> <li>The Community Data Manager role will be accountable for:</li> <li>developing a dashboard to track the progress and impact of the Maranguka Justice Reinvestment Project in Bourke</li> <li>working with partners to access data</li> <li>developing and supporting local data collection</li> <li>collating, interpreting and analysing data.</li> <li>The Community Data Manager will also work with the Bourke Data Action Group, which is made up of local citizens interested in learning the skills and tools to collect data.</li> </ul>
Justice and Community Support Project Officer	Annual full-time salary and annual project costs	<ul style="list-style-type: none"> <li>The Justice and Community Support Project Officer will:</li> <li>provide administrative and organisational support to the Maranguka Justice Reinvestment Project in Bourke and to the Bourke Tribal Council</li> </ul> <p>provide assistance with housing, community service,</p>



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Position	Costing	Position description
		<p>and employment issues to support members of the Bourke community</p> <p>provide co-ordination and follow-up support to the Warrant Clinic.</p>
Administrative and Communications Project Officer	Annual part-time salary for two days work per week, with on-costs	<ul style="list-style-type: none"> <li>The Administrative and Communications Project Officer will:</li> <li>provide administrative support to the Project Director and the Maranguka Justice Reinvestment Project in Bourke Steering Committee, as well as the Bourke-based team when required</li> <li>be responsible for website updates and newsletters to project supporters.</li> <li>The Administrative and Communications Project Officer is based in Sydney.</li> </ul>
External Facilitator, Lend Lease	Annual part-time salary of 3 days' work per month	<ul style="list-style-type: none"> <li>The External Facilitator will:</li> <li>attend meetings outside of Bourke, including Maranguka Justice Reinvestment Project in Bourke Steering Committee meetings</li> <li>report to Lend Lease and others about project activities</li> <li>provide access to Lend Lease facilities, spaces and specialist staff such as corporate affairs, events management, and communications support.</li> </ul>
Collective Impact Consultant, Collaboration for Impact	Annual part-time salary for 28 days per year plus preparation time	<ul style="list-style-type: none"> <li>The Collective Impact Consultant will:</li> <li>support the Maranguka Justice Reinvestment Project in Bourke team to understand and perform their roles</li> <li>support the alignment of stakeholders to the common agenda</li> <li>develop the shared measurement matrix for measuring progress against the common agenda</li> <li>build the shared measurement system and establishing the shared measurement practices</li> <li>engage the community in decision-making, leadership and feedback</li> <li>support and strengthen the collaborative governance arrangements</li> <li>engage and influence government to advance policy in support of the common agenda</li> <li>mobilise funding.</li> </ul>

**Source:** *Just Reinvest NSW (2016)*

# Appendix D:

## MAIN SUPPORTS SOUGHT BY PROJECT SPONSORS

Area of support	Type of support		
	Political support	Policy support	Practitioner support
<ul style="list-style-type: none"> <li>Recognition of the project is an innovative, multi-level systemic response to the “wicked” social problem of Bourke Aboriginal children and young people’s persistently high rates of involvement with the criminal justice system.</li> </ul>	✓	✓	✓
<ul style="list-style-type: none"> <li>Recognition of the Bourke Tribal Council as the authoritative Aboriginal local governance mechanism for government to work with to enable local decision making about the delivery and coordination of community services in Bourke.</li> </ul>	✓	✓	✓
<ul style="list-style-type: none"> <li>Participation by NSW Government Senior Executives in the Cross-Sector Leadership Group for the Maranguka Justice Reinvestment Project in Bourke, with a priority focus on:               <ul style="list-style-type: none"> <li>reducing barriers to local decision making</li> <li>identifying policy and other changes needed to support the project</li> <li>resolving administrative and bureaucratic impediments to progress</li> <li>providing critical advice about project implementation</li> <li>increasing the number of Bourke Aboriginal people employed in government.</li> </ul> </li> </ul>	-	✓	-
<ul style="list-style-type: none"> <li>Facilitation of access to and sharing of data on Bourke Aboriginal children, young people, families, and the Bourke Aboriginal community to enable rigorous monitoring and evaluation of the Maranguka Justice Reinvestment Project in Bourke.</li> </ul>	✓	✓	✓
<ul style="list-style-type: none"> <li>Participation by service providers and practitioners in relevant Working Groups under the Maranguka Justice Reinvestment Project in Bourke, with a priority focus on:               <ul style="list-style-type: none"> <li>identifying gaps in community services, community leadership, policy responses and resources that should be addressed</li> <li>sharing insights about good practice.</li> </ul> </li> </ul>	-	-	✓

**Source:** *Just Reinvest NSW (2016)*







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