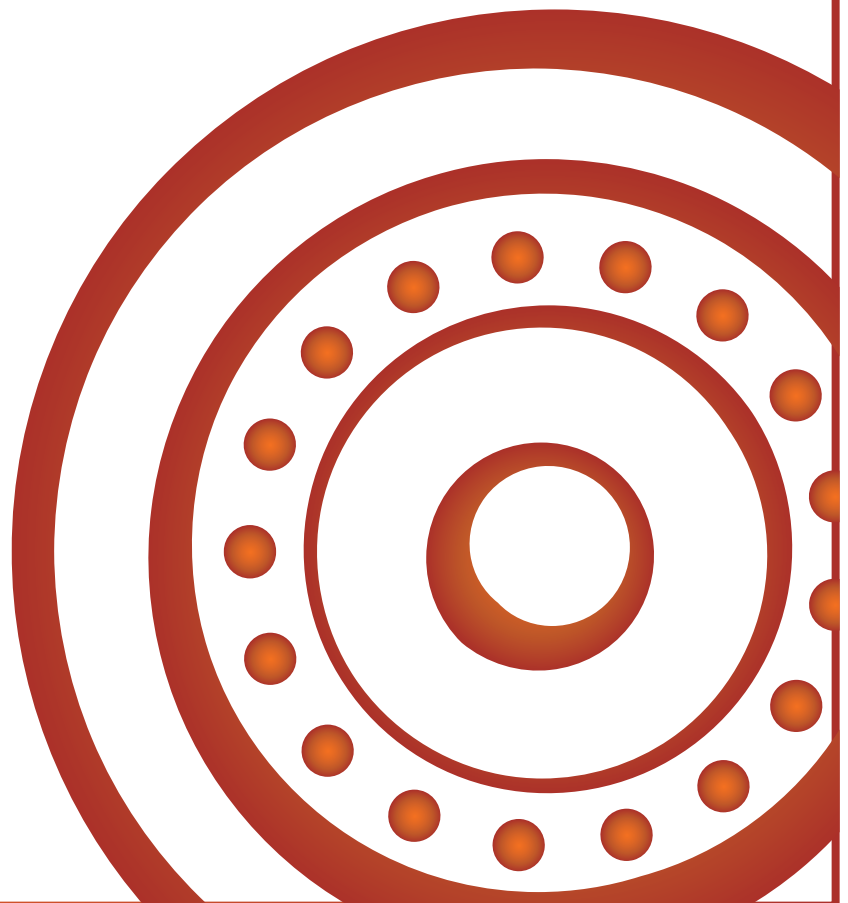
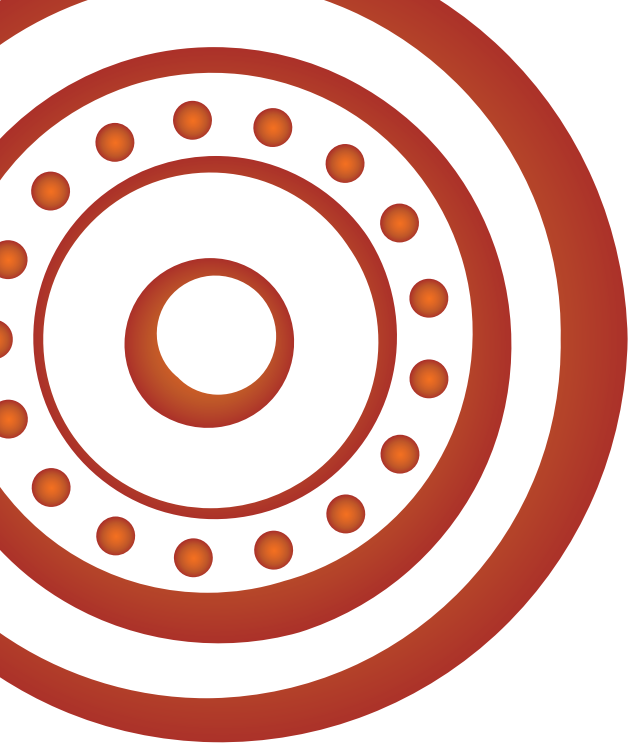




**CLOSING THE GAP**

# **JUSTICE POLICY PARTNERSHIP ANNUAL REPORT 2022**





## ACKNOWLEDGEMENT

The Justice Policy Partnership acknowledges the Traditional Owners of Country throughout Australia. Land that has never been ceded. We pay our respects to Elders both past and present, and thank them for their continuing care and custodianship of Country, culture and community. We also acknowledge and thank the Aboriginal and Torres Strait Islander trailblazers who have contributed to a collective fight for justice across decades. We recognise that this collective and ongoing effort has paved the way for the journey we walk together today.

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# A MESSAGE FROM THE CO-CHAIRS

We are pleased to present our first Annual Report about the work of the Justice Policy Partnership (JPP) to the Joint Council on Closing the Gap (Joint Council).

The establishment of the JPP in August 2021 marked the beginning of a new way of working together on improving justice outcomes for Aboriginal and Torres Strait Islander people. Being the first of five policy partnerships established under the National Agreement on Closing the Gap (National Agreement), the unprecedented journey that we have embarked on to date has presented us with some challenges, but also many opportunities to listen to, and learn from, diverse First Nations perspectives in order to drive transformational change.

We know that there is much work ahead of us to achieve Outcomes 10 and 11 of the National Agreement, both of which aim to reduce the unacceptably high incarceration rates of Aboriginal and Torres Strait Islander adults and young people. Key to this is Aboriginal and Torres Strait Islander people, community-controlled organisations and governments walking together in one direction to achieve this common goal. Significantly, this involves agreeing to meaningful change to make criminal justice systems fairer and safer for everyone.

In our first year, strong foundations for the JPP have been laid and the principles of partnership and shared decision making embedded into all aspects of our work under the *JPP Work Plan*. The JPP has had many conversations about the future strategic direction we need to take to achieve Outcomes 10 and 11. These conversations required respectful time and space to discuss important and sensitive issues. We are grateful to our Aboriginal and Torres Strait Islander representatives who have led these conversations, and for our government representatives for listening.

It is now time to start laying down the building blocks to address justice issues that we know, based on data and evidence, disproportionately impact Aboriginal and Torres Strait Islander people. Although the finer details of these building blocks are yet to be determined, they will soon be articulated in the first *JPP Strategic Plan* and the second *JPP Work Plan*. One thing we know for certain is that the work of the JPP will not be symbolic, we will strive for meaningful and sustainable change.

Thank you for taking the time to read this report. Both of us are looking forward to the opportunities that the JPP will continue to provide to change criminal justice systems in Australia for the better.

Kind regards

**Priscilla Atkins and Tamsyn Harvey**

Co-Chairs of the Justice Policy Partnership

# EXECUTIVE SUMMARY

Recognising the urgent need for joined up action to address the unacceptably high rates of incarceration and deaths in custody of Aboriginal and Torres Strait Islander people, the Joint Council on Closing the Gap expedited the establishment of the JPP in April 2021. The JPP brings together the Coalition of Peaks, independent Aboriginal and Torres Strait Islander representatives, and all levels of government, to forge a new era of partnership and shared decision-making to drive meaningful change. The JPP's first year has focused on laying a strong foundation to work together, reviewing existing justice drivers and responses across jurisdictions, and identifying agreed priority areas of focus.

Turning the tide on incarceration and deaths in custody is not impossible. Aboriginal and Torres Strait Islander people are central to developing solutions to address these issues which unfortunately have persisted and worsened over time. Now is the time for action and for change.

In line with the National Agreement, the JPP is premised on the belief that these solutions should be developed through strong partnerships and shared decision-making with Aboriginal and Torres Strait Islander people, Aboriginal community-controlled organisations (ACCOs), and governments.

The JPP is the first of five Policy Partnerships established under the National Agreement to put this fundamentally new way of working into action.

The core objective of the JPP is to work in partnership to reduce the incarceration rates of Aboriginal and Torres Strait Islander adults and young people. This is underpinned by the commitment of the Parties to the National Agreement, including all Australian governments, to achieve two justice targets which aim to:

- reduce the rate of Aboriginal and Torres Strait Islander adults held in incarceration by at least 15% by 2031 (Target 10), and
- reduce the rate of Aboriginal and Torres Strait Islander youth (10–17 years) in detention by at least 30% by 2031 (Target 11).

It has now been over a year since establishment of the JPP was announced. This is the first JPP annual report and it outlines the progress made against actions in the inaugural *JPP Work Plan*, endorsed by representatives at JPP Meeting 2 in December 2021.

JPP Meetings 1 to 4 were held virtually. The Covid-19 pandemic significantly restricted JPP representatives meeting in-person and relationship-building in year one. Representatives were able to meet in-person for the first time in Adelaide for Meeting 5 on 5–6 September 2022 and engaged in an independently facilitated workshop designed to develop and strengthen positive working relationships built on trust. Representatives will next meet in-person on 12–13 December 2022 for JPP Meeting 6.

The *JPP Work Plan* included 11 key actions to progress between December 2021 and September 2022. Due to the acceleration of the JPP's establishment, there was no opportunity for representatives to undertake pre-establishment planning. This has meant that actions in the inaugural JPP Work Plan have been foundational in nature and focussed on embedding the principles of partnership and shared decision-making in all aspects of JPP work, as set out under Priority Reform One of the National Agreement. This has been a necessary step to ensure that the JPP is set up to achieve its core objectives, and that the future work of the JPP is built upon a bedrock of these important principles.

Despite the challenges presented by Covid-19 and accelerated timelines, JPP representatives have adapted and worked together constructively.

To support the JPP's shared decision-making objectives, JPP independent and Coalition of Peaks representatives have undertaken a number of workshops, separate from government representatives, to determine a list of strategic policy priorities the JPP should take forward. This important work will be central to the development of the *JPP Strategic Plan* and the accompanying JPP Work Plans.

JPP representatives have made good progress against a number of actions in the *JPP Work Plan*, while other actions are yet to be commenced. Actions have required government representatives to review and report on the partnership and governance arrangements in their jurisdictions. This has resulted in some JPP government representatives:

- identifying existing partnerships, including partnerships between police agencies and Aboriginal and Torres Strait Islander people, and assessing whether those partnerships include the strong partnership elements contained in the National Agreement, and

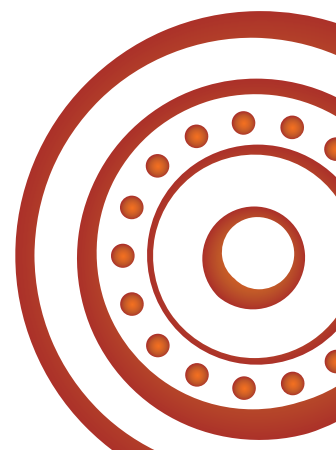
- identifying governance arrangements across the justice and human services sectors and identifying further opportunities to ensure a joined-up approach to reducing disproportionate incarceration of Aboriginal and Torres Strait Islander people.

Some JPP government representatives have reported on opportunities and initial proposals to ensure adequate funding to support independent and Coalition of Peaks representatives to be partners with governments in the JPP (under clause 33 of the National Agreement).

The JPP also continues to ensure that its work is strongly aligned with the National Agreement and the Priority Reforms. This has included:

- to provide ongoing updates to JPP representatives from the Closing the Gap Partnership Working Group (PWG), allowing the JPP to consider how it might partner and link to the other four emerging Policy Partnerships being established, and
- embedding Priority Reform Four into the work of the JPP through the participation in foundational data actions.

The JPP is committed to building on its efforts to date to ensure its core objectives are met and that lasting and meaningful change for Aboriginal and Torres Strait Islander people is achieved.



# JPP MEMBERSHIP

The JPP's membership consists of Peaks members and independent Aboriginal and Torres Strait Islander representatives, selected by the Coalition of Peaks in an expression of interest process. It also includes representatives from all Australian governments.

At the time of writing this report, the current membership of the JPP is reflected in the table

below (noting the final stages of an expression of interest process to fill two recent vacancies was underway by the Coalition of Peaks).

The JPP thanks and acknowledges the work of former JPP independent representatives, David Woodroffe (resigned 7 July 2022) and Keenan Mundine (resigned 13 September 2022).

Two new representatives to be appointed shortly.

## Coalition of Peaks Representatives

<b>Pricilla Atkins</b>	National Aboriginal and Torres Strait Islander Legal Services (JPP Co-Chair)
<b>Wynetta Dewis</b>	National Family Violence and Prevention Legal Services
<b>June Riemer</b>	First Peoples Disability Network
<b>Catherine Liddle</b>	SNAICC – National Voice for our Children
<b>Donnella Mills</b>	National Aboriginal Community Controlled Health Organisation

## Independent Representatives

<b>Boneta-Marie Mabo</b>	Independent
<b>Jocelyn Jones</b>	Independent
<b>Peta McGillivray</b>	Independent
<b>Vacant</b>	Independent
<b>Vacant</b>	Independent

## Government Representatives

<b>Tamsyn Harvey</b>	Deputy Secretary, Attorney-General's Department, Australian Government (JPP Co-Chair)
<b>Brette Schumann</b>	Director, Justice Policy and Analytics, Attorney-General's Department, South Australia
<b>Karen Doran</b>	Deputy Director-General, Community Safety, Justice and Community Safety Directorate, Australian Capital Territory
<b>Leanne Liddle</b>	Director, Aboriginal Justice Unit, Department of the Attorney-General and Justice, Northern Territory
<b>Kylie Maj</b>	Executive Director, Strategic Reform, Department of Justice, Western Australia
<b>Nicola Doumany</b>	Acting Deputy Director-General, Justice Services, Department of Justice and Attorney-General, Queensland
<b>Brendan Thomas</b>	Deputy Secretary, Transforming Aboriginal Outcomes, Department of Communities and Justice, New South Wales
<b>Justin Mohamed</b>	Deputy Secretary, Aboriginal Justice, Department of Justice and Community Safety, Victoria
<b>Rod Wise</b>	Deputy Secretary, Corrective Services, Department of Justice, Tasmania

# SUMMARY OF JPP WORK PLAN ACTIONS

## ACTION SUMMARY

Action	Status
Action 1 – consider new partnerships between Aboriginal Community-Controlled Organisations to improve justice outcomes for Aboriginal and Torres Strait Islander children, with an initial focus on children under 14 years old	To be commenced
Action 2.1 – identify the extent to which existing partnerships in jurisdictions include partnerships between police agencies and Aboriginal and Torres Strait Islander people, and whether those partnerships include the strong partnership elements in the National Agreement	Partially implemented
Action 2.2 – commission an independent research project to review existing partnerships related to justice in the context of governance frameworks for the development of Aboriginal and Torres Strait Islander justice policy in each jurisdiction	To be commenced
Action 3 – assess and report on initial proposals to ensure adequate funding for the JPP under cl 33 of the National Agreement	Partially implemented
Action 4.1 – include an update from the Closing the Gap Partnership Working Group as a standing JPP meeting agenda item	Implemented
Action 4.2 – identify governance arrangements across the justice and human services sectors and how they will ensure a joined-up approach to reducing disproportionate incarceration	Partially implemented
Action 5.1 – determine preferred level of involvement with the Justice Data Sharing Project, key stakeholders to be consulted, and connections with other relevant projects	Partially implemented
Action 5.2 – engage with the Indigenous Justice Research Program by participating in the research selection panel and consulting with the JPP co-chairs about JPP research priorities before making recommendations	Partially implemented
Action 6 – approve JPP Annual Report to Joint Council	Implemented
Action 7.1 – develop a 3-year strategic plan for the JPP, working from the list of justice policy issues in Annexure A	In progress
Action 7.2 – agree second work plan	In progress

# WORKING IN PARTNERSHIP

The National Agreement clearly sets out the principles of partnership and shared decision-making in Priority Reform One. These principles are reflected in the membership of the JPP and the *JPP Agreement to Implement*, which sets out the objectives and deliverables of the JPP and is publicly available online. These principles also exist across a number of other levels of the JPP.

At the Commonwealth level, Ministerial responsibility for the JPP and Outcomes 10 and 11 is shared between the Attorney-General, the Hon Mark Dreyfus KC MP, and the Minister for Indigenous Australians, the Hon Linda Burney MP. At a Commonwealth departmental level, responsibility for the JPP is shared between the Attorney-General's Department (AGD) and the National Indigenous Australians Agency (NIAA). The JPP is co-chaired by Priscilla Atkins, Chair of National Aboriginal and Torres Strait Islander Legal Services (NATSILS) and Tamsyn Harvey, Deputy Secretary of the Justice and Communities Group, AGD.

The JPP Secretariat function is shared between NATSILS and AGD, with support from the NIAA. This arrangement ensures that decision-making is shared between governments and Aboriginal and Torres Strait Islander people. Further, the JPP has agreed that shared decision-making is by consensus, where the voices of Aboriginal and Torres Strait Islander parties hold as much weight as those of the governments.

Accordingly, NATSILS has worked closely with JPP the Aboriginal and Torres Strait Islander members to workshop the strategic direction of the JPP, and the outcomes of these workshops were considered by all JPP representatives.

The JPP Secretariat has successfully convened five JPP meetings to date, on 23–24 September 2021, 16 December 2021, 28 March 2022, 20–21 June 2022 and 5–6 September 2022. A high-level summary of the outcomes for each of these meetings is publicly available on the AGD website.

Looking forward, the JPP is committed to partnering with the other Policy Partnerships as they are established to progress future work. This recognises that many of the drivers of incarceration sit outside of the justice system and that most solutions to reducing incarceration rates require targeted and effective delivery of broader human services.

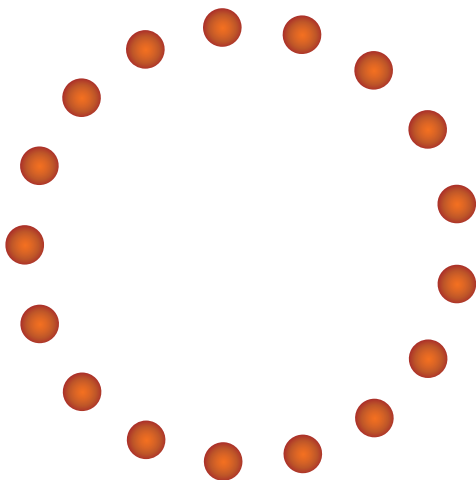
## ABORIGINAL AND TORRES STRAIT ISLANDER LEGAL SERVICES (ATSILS)

NATSILS is the national voice of community-controlled Aboriginal and Torres Strait Islander Legal Services (ATSILS). Pursuant to the principle of self-determination is that the ATSILS are given the opportunity to exercise their own autonomy as they advocate for their communities. Although NATSILS has undertaken consultation with the ATSILS, particularly in relation to the JPP priorities, the real impact and engagement is demonstrated in the representation of the ATSILS in key decision-making instances.

One of the ways NATSILS has approached this is to establish a JPP Policy Officer Network. The purpose of the JPP Policy Officer Network is to support the JPP Policy Officers with implementing the policy priority areas that have been jointly decided by the National JPP. The network comprises of JPP Policy Officers employed by the ATSILS to carry out the JPP work in their jurisdiction. NATSILS chaired the JPP Policy Officer Network inaugural meeting on 12 October 2022.

In addition to the JPP Policy Officer Network, the JPP agreed to the ATSILS, as subject matter experts, to participate in a Strategic Policy Workshop held on 29 November. This was based on clause 29 of the Justice Policy Partnership Agreement to Implement that allows for 'subject-matter experts' to be invited to attend meetings of the JPP from time to time for the purpose of presenting on topics being considered by the JPP or to provide expert advice and must be agreed by Parties.

The JPP recognises that the ATSILS are the key stakeholders in the JPP and engagement in future work is paramount to its success. The JPP will continue to look for opportunities to meaningfully engage with the ATSILS and ensure that the JPP is informed by their practice and expertise.



## NATSILS RESOURCING

NATSILS partnership with the Commonwealth, via JPP Secretariat in the Attorney-General's Department, provides a clear alignment to the leadership of the JPP and the coordination of the JPP Secretariat.

Due to Joint Council's decision to accelerate the establishment of the Justice Policy Partnership, work on the JPP commenced in August 2021. NATSILS received its first tranche of funding for the JPP mid-January 2022.

As a result of the delay in NATSILS receiving funding, NATSILS was also delayed in upscaling and building the infrastructure required to carry out the work of the JPP. This includes NATSILS capacity to ensure that the Aboriginal and Torres Strait Islander membership were supported to engage in the JPP fully and meaningfully. It also impacted NATSILS ability to commence the recruiting process for JPP specific roles, which did not commence until February 2022. To date, NATSILS has employed a JPP Director in May 2022, a JPP Policy Officer in July 2022 and a JPP Policy and Research Administration Officer in November 2022.

Notwithstanding the acceleration of the JPP and the delay in resource allocation, NATSILS has successfully achieved progress in the JPP first year workplan milestones, while also upholding the integrity of the work. The JPP discussed these challenges over the course of the first year and agreed that true partnership means that all parties, particularly the Lead Peak and Aboriginal and Torres Strait Islander parties, are adequately resourced before work commences.

# JPP PROGRESS IN 2021–22

## LAYING THE FOUNDATION FOR STRONG PARTNERSHIP

Collaborative relationships between Aboriginal and Torres Strait Islander people and justice institutions are key to eliminating the overrepresentation of Aboriginal and Torres Strait Islander people in the justice system, and driving down disproportionate incarceration and detention rates. This principle underpinned the recommendations of successive reports, commencing with the *Royal Commission into Aboriginal Deaths in Custody: Final Report* in 1991. It is also reflected in the recommendations of the Australian Law Reform Commission's 2018 *Pathways to Justice Report* that state and territory governments should renew or develop Aboriginal Justice Agreements in partnership with relevant Aboriginal and Torres Strait Islander organisations (Recommendation 16-2).

All Parties to the National Agreement have made commitments to the strong partnership elements contained at clauses 32 and 33, which are also outlined in the *JPP Agreement to Implement*. The purpose, objectives, scope, chairing arrangements and other formal arrangements for the JPP are also set out in the Agreement to Implement.

Given the interdependence of social determinants, such as child safety and wellbeing, education and housing, with the achievement of Outcomes 10 and 11 of the National Agreement, collaborative partnerships with non-justice systems will be central to the JPP's work.



## IDENTIFYING KEY THEMES AND DEVELOPING PRIORITIES/FOCUS AREAS

As an initial step to identify specific measures to reduce the overrepresentation of Aboriginal and Torres Strait Islander adults and young people in incarceration, the JPP has sought to understand current approaches to achieving justice outcomes in the National Agreement. To achieve this, government JPP representatives presented at the first JPP meeting in September 2021 on key justice initiatives in their jurisdictions' Implementation Plan under the National Agreement and discussed their alignment with the scope of the JPP.

To assist with identifying areas where the JPP would add the greatest value, as well as any gaps in action in current jurisdictional implementation plans, the JPP Secretariat synthesised recommendations from the following five reports:

1. The Royal Commission into Aboriginal Deaths in Custody (RCIADIC), *Final Report* (1991)
2. The Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Doing Time, Time for Doing: Indigenous youth in the criminal justice system* (2011)
3. The Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory (NTRC), *Final Report* (2017)
4. Australian Law Reform Commission, *Pathways to Justice—An inquiry into the incarceration rate of Aboriginal and Torres Strait Islander peoples* (2018), and
5. SNAICC – National Voice for our Children, the Family Matters Campaign, University of Melbourne, Griffith University & Monash University, *The Family Matters Report 2020: Measuring trends to turn the tide on the overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care in Australia* (2020).

The purpose of the synthesis was to inform the work of the JPP by identifying key themes across the recommendations in the reports, including themes that persist over time and how recommendations within these persistent themes have changed over time.

The JPP has also committed to identifying specific actions and priorities to address the overrepresentation of Aboriginal and Torres Strait Islander youth (10–17 years) within the criminal justice system and within youth detention.

To progress towards Outcome and Target 11 of the National Agreement, the JPP has proposed an initial focus on Aboriginal and Torres Strait Islander youth under 14 years old who are among the most overrepresented in Australian justice systems.

The JPP is focussing initial efforts on creating new partnerships related to justice, especially partnerships between ACCOs working with children in contact with the criminal justice system.

## PROGRESS AGAINST THE JPP WORK PLAN

This section sets out progress against specific Action Items in the *JPP Work Plan*.

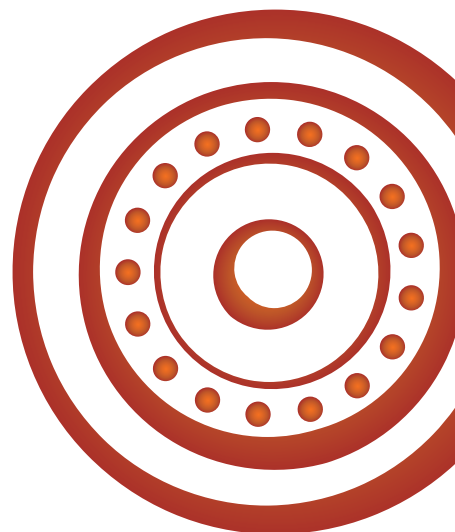
### ACTION ITEM 1 – TO BE COMMENCED

**Consider new partnerships between ACCOs to improve justice outcomes for Aboriginal and Torres Strait Islander children, with an initial focus on children under 14 years old**

NATSILS will develop a paper which surveys the current landscape of partnerships between ACCOs, potential future partnerships, best practice standards and gaps in existing service models.

#### NEXT STEPS

- This action will be progressed under the *JPP Work Plan*.
- The JPP will consider how to effectively contribute to work being progressed by the Standing Council of Attorneys-General Age of Criminal Responsibility Working Group.



## ACTION ITEM 2.1 – PARTIALLY IMPLEMENTED

**Identify the extent to which existing partnerships in jurisdictions include partnerships between police agencies and Aboriginal and Torres Strait Islander people, and whether those partnerships include the strong partnership elements in the National Agreement**

Policing policy, operations and culture are priority areas for reducing incarceration and detention rates. To bring policing into focus at an early stage, the JPP agreed to consider whether police agencies in each jurisdiction were operating in partnership with Aboriginal and Torres Strait Islander people and organisations, and whether partnerships that did exist included the strong partnership elements set out in the National Agreement. Building a shared understanding about partnerships related to policing will assist the JPP to make future recommendations to Joint Council on policing partnerships and changes to policing culture and practices.

Under this action, all jurisdictions apart from the Northern Territory have commenced sharing information about their policing partnership arrangements, including assessments on whether those partnerships have included the strong partnership elements referenced in the National Agreement.

Through this exercise, the JPP noted most jurisdictions either have existing partnerships or advisory bodies through which the views of Aboriginal and Torres Strait Islander people and organisations are sought on policing matters, while recognising there is significant room to better embed the strong partnership elements.

Policing partnership arrangements in each state or territory will change over time, this reporting activity provides an important baseline of information from which to measure future developments.

### NEXT STEPS

- The JPP will consider the information provided by government representatives on policing partnerships with Aboriginal and Torres Strait Islander people and organisations in the development of JPP recommendations to Joint Council.

## ACTION ITEM 2.2 – TO BE COMMENCED

**Commission an independent research project to review existing partnerships related to justice in the context of governance frameworks for the development of Aboriginal and Torres Strait Islander justice policy in each jurisdiction**

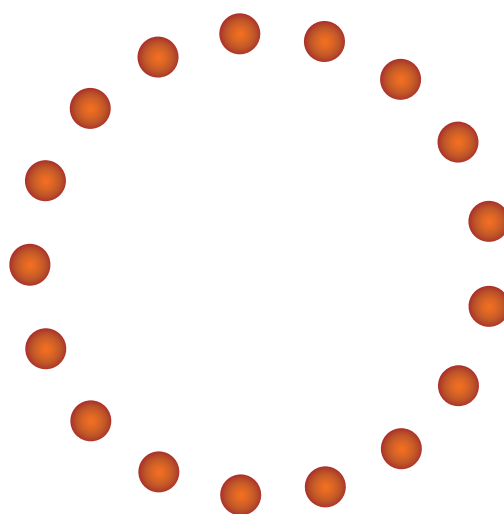
This action will be progressed under the *JPP Work Plan*. Once a shared understanding of existing partnerships related to policing is achieved, the JPP has agreed to undertake an independent evaluation to review these partnerships.

The evaluation will consider whether governance frameworks for these partnerships embed the strong partnership elements in the National Agreement. The research will provide an evidence base for the JPP to make recommendations to Joint Council about best practice for strong partnerships in the justice sector should it wish to do so, to progress Outcomes 10 and 11 of the National Agreement. It will also provide an evidence base for jurisdictions considering implementing recommendation 16-2 of the ALRC's *Pathways to Justice* report.

The independent evaluation under Action Item 2.2 will be First Nations-led, supported by Australian Government funding, and will commence shortly.

### NEXT STEPS

- This action will be considered for progression under the *JPP Work Plan*.



## ACTION ITEM 3 – PARTIALLY IMPLEMENTED

### Assess and report on initial proposals to ensure adequate funding for the JPP under clause 33 of the National Agreement

Under clause 33 of the National Agreement, all parties have agreed that adequate funding is needed to support Aboriginal and Torres Strait Islander parties to engage in formal partnerships with governments, such as the JPP. One of the objectives of the National Agreement is to enable Aboriginal and Torres Strait Islander representatives, communities and organisations to negotiate and implement agreements with governments to implement all Priority Reforms, as well as policy specific and place-based strategies to support Closing the Gap.

As part of the Commonwealth's first Closing the Gap Implementation Plan \$7.6 million over three years from 2021–22 was provided for the Justice Policy Partnership, including:

- \$2.4 million to NATSILS to engage in the JPP
- \$2.2 million to ATSILS to enhance data and analytics capability to inform the JPP and build organisational capability in line with Priority Reform Two of the National Agreement
- \$1.7 million to the Commonwealth Attorney-General's Department for Secretariat and policy work
- \$1.3 million to the National Indigenous Australians Agency for policy work

Funding actions may include directly funding Aboriginal and Torres Strait Islander parties to engage independent policy advice or meet independently of government representatives to determine their own policy positions. It may also include funding to support strengthened governance between and across Aboriginal and Torres Strait Islander organisations and people; and for Aboriginal and Torres Strait Islander parties to engage with and seek advice from relevant groups within affected communities.

The provision of adequate funding by government parties will also support the development of stronger relationships between Aboriginal and Torres Strait Islander parties, other relevant organisations such as ATSILS, ACCOs and other Peaks with federal, state and territory representatives.

Queensland, Australian Capital Territory, New South Wales, and the Commonwealth representatives provided information on potential opportunities and concrete proposals to ensure adequate funding for independent Aboriginal and Torres Strait Islander and Coalition of Peaks JPP representatives. Victoria, Tasmania, Western Australia, South Australia, and the Northern Territory representatives have not reported against this action.

#### NEXT STEPS

- The JPP will consider the information provided by government representatives on funding in the development of JPP recommendations to Joint Council.

## ACTION ITEM 4.1 – IMPLEMENTED

### Include an update from the Closing the Gap Partnership Working Group as a standing JPP meeting agenda item

Many of the drivers of incarceration and detention fall outside the criminal justice sector. For example, the JPP's efforts to achieve Targets 10 and 11 are inextricably interwoven with achieving Targets 12 (reducing children in out-of-home care by 45%) and 13 (reducing family violence against women and children by at least 50%, towards zero). Recognising this, it is within scope for the JPP to progress issues and actions relating to those drivers, and the socio-economic factors that have a direct and tangible effect on reducing incarceration and detention (Agreement to Implement Cl. 5(d)). One of the core objectives of the JPP is to identify opportunities to work more effectively across governments, reduce gaps and duplication, and improve outcomes under the National Agreement. To achieve this, the JPP will need to create strong links between the justice sector and the broader human services sectors.

One way to achieve this is through regular information sharing across relevant forums. Consequently, the JPP has engaged with the Closing the Gap Partnership Working Group to provide an update as a standing JPP meeting agenda item. Over the course of year one, updates from Partnership Working Group meetings were provided at each JPP meeting, facilitating valuable information-sharing and relationship-building across the two forums.

#### NEXT STEPS

- Building on the links established with the Partnership Working Group, in its second year the JPP will focus on establishing formal links with the four other policy partnerships being established under Priority Reform One of the National Agreement.



## ACTION ITEM 4.2 – PARTIALLY IMPLEMENTED

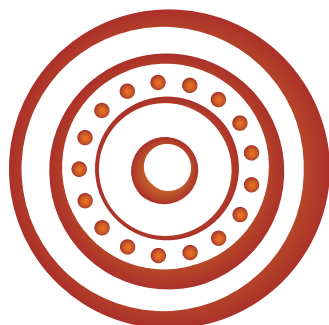
### Identify governance arrangements across the justice and human services sectors and how they will ensure a joined-up approach to reducing disproportionate incarceration

To inform the identification of gaps and opportunities to work more effectively across governments and relevant sectors, a key focus for the JPP in year one has been to better understand existing linkages between the justice and human services sectors across jurisdictions.

Under this action, all jurisdictions, except the Northern Territory, have provided detailed information on current arrangements within their jurisdictions. This exercise has supported discussions through the JPP on improvements to existing arrangements to better embed the Priority Reforms, and will inform the development of recommendations of key areas for priority action to promote more joined-up approaches.

#### NEXT STEPS

- The JPP will consider the information provided by government representatives on governance arrangements across the justice and human services sectors in the development of JPP recommendations to Joint Council.



## ACTIONS 5.1 AND 5.2 – PARTIALLY IMPLEMENTED

**Determine preferred level of involvement with the Justice Data Sharing Project, key stakeholders to be consulted, and connections with other relevant projects**

**A JPP representative will engage with the Indigenous Justice Research Program by participating in the research selection panel and consulting with the JPP Co-Chairs about JPP research priorities**

Accelerating improvements in research and data sharing is a key focus of the JPP. Priority Reform Four of the National Agreement aims to improve Aboriginal and Torres Strait Islander people's access to, and the capability to use, locally-relevant data and information to set and monitor the implementation of efforts to close the gap, their priorities and drive their own development.

In year one, the JPP pursued this through participation in foundational data activities including:

- the Australian Institute of Criminology's (AIC) Indigenous Justice Research Program (IJRP)
- the Australian Bureau of Statistics (ABS) and the Australian Institute of Health and Welfare's (AIHW) National Crime and Justice Data Linkage Project, and
- the Data Minister's Data Sharing Program – Closing the Gap Project.

The purpose of JPP involvement in these activities has been to provide advice to support alignment of the research and data linkage with JPP priorities, and to contribute to building a strong research and evidence base that can be used by the JPP to inform its ongoing work and recommendations to Joint Council. Opportunities for data-sharing are being further explored. As part of this, the JPP:

- engaged with the IJRP through participation in the research selection panel
- invited the ABS and the AIHW to present on the National Crime and Justice Data Linkage Project at JPP Meeting 4 (June 2022). JPP representatives agreed to contact the ABS and AIHW bilaterally to discuss possible data linkage opportunities of interest, and
- considered the role of the JPP in relation to the Data Minister's Data Sharing Program – Closing the Gap Project (the Project). The Justice Data Sharing Project is no longer being progressed by NIAA and the Department of the Prime Minister and Cabinet to reduce duplication with other data projects, including the National Crime and Justice Data Linkage Project.

The JPP Secretariat also undertook a review of jurisdictional first year Closing the Gap Implementation Plans from which a number of findings relating to data were identified, including that:

- several jurisdictions have data governance frameworks, but do not address issues about Aboriginal and Torres Strait Islander data sovereignty, ownership or use within their frameworks, and
- jurisdictions were establishing culturally appropriate data management practices, and enabling Aboriginal and Torres Strait Islander communities and people to negotiate data management approaches.

## NEXT STEPS

- Continue to identify opportunities for the JPP to influence the delivery of relevant justice data projects and ways in which justice data can support the work of the JPP.
- Indigenous Justice Research Program projects are expected to be delivered over the two-year period to June 2024. Reports associated with the program will be peer reviewed, edited and typeset and will be published by June 2024.
- Work is ongoing to identify opportunities for data-sharing under the National Crime and Justice Data Linkage Project to improve Aboriginal and Torres Strait Islander people's access to, and the capability to use, locally-relevant data and information.



## ACTION 6 – IMPLEMENTED

### Approve JPP Annual Report to Joint Council

Clause 31 of the Agreement to Implement the JPP requires Co-Chairs to provide verbal updates on the progress of the JPP to the Joint Council. Updates on Policy Partnerships established under the National Agreement is now a standing agenda item at every Joint Council meeting.

JPP Co-Chairs provided a verbal update to Joint Council in December 2021 and August 2022.

Clause 32 of the Agreement to Implement the JPP requires the JPP to report annually in writing to the Joint Council on:

- a. recommendations it has made
- b. actions being taken to implement recommendations
- c. progress against the objectives of the JPP
- d. progress against any relevant Priority Reforms and socio-economic targets in the National Agreement, and
- e. any other updates.

The JPP did not make any recommendations to Joint Council in its first year of operation as its work was largely foundational. As a result, there are no specific actions to report on under Agreement to Implement clause 32(b) for this first Annual Report. JPP approval of the Annual Report ensures that the report will be provided to Joint Council in December 2022.

### NEXT STEPS

- The JPP will develop recommendations for Joint Council building on the work it has undertaken in year one.

## ACTIONS 7.1 AND 7.2 – IN PROGRESS

### Develop a 3-year strategic plan for the JPP and agree a second work plan

For the JPP to drive transformative change, there is a need to develop greater clarity about its long-term priorities. These actions align with the objectives of the JPP to identify specific measures to reduce the overrepresentation of Aboriginal and Torres Strait Islander adults and young people in incarceration and youth detention.

Initial steps for developing the *JPP Strategic Plan* have focused on bringing the Aboriginal and Torres Strait members together in three strategic policy workshops over the course of 2022. These workshops were initiated, designed and led by NATSILS to identify justice policy priorities for the JPP to focus on, independent from government. In parallel, the JPP Secretariat has held a number of sessions with government representatives based on policy priority issues identified at these workshops.

The outcomes of the NATSILS-led workshops, and engagement and consultation with government representatives were discussed at JPP Meetings in March, June and September 2022. Most government representatives provided a verbal report on their current position on the justice policy issues identified as a result of the NATSILS-led workshops. The *JPP Strategic Plan* will be complemented by the first and second *JPP Work Plan*.

#### NEXT STEPS

- The JPP Secretariat and NATSILS are arranging a facilitated workshop for JPP representatives to attend and to progress the priority issues and strategic elements to be included in the *JPP Strategic Plan*.
- A JPP Work Plan is to be developed using the priority issues and strategic elements as a basis.

