



HEALTH AND HUMAN SERVICES

**Department of Justice and
Attorney General**

**Evaluation of the
Community Justice Group
Program**

Final Report

November 2010

ADVISORY

Disclaimer

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Acronyms

ACJG	Aboriginal Community Justice Group
AGD	NSW Attorney General's Department
AJAC	Aboriginal Justice Advisory Council
AJO	Aboriginal Justice Officer
AMP	Alcohol Management Plan
ATSIL	Aboriginal & Torres Strait Islander Legal Services
A & ATSIS	Aboriginal & Torres Strait Islander Services/Department of Communities
CJG	Community Justice Group
DATSIP	Department of Aboriginal and Torres Strait Islander Policy
DCS	Department of Corrective Services
DJAG	Department of Justice and Attorney General
DPC	Department of Premier and Cabinet
DV	Domestic violence
FRC	Family Responsibilities Commission
KPI	Key Performance Indicator
MCMC	Meeting Challenges Making Choices
NAIDOC	National Aboriginal and Islander Day Observance Committee
NGO	Non-Government Organisation
QIADP	Queensland Indigenous Alcohol Diversion Program
QMERIT	Queensland Magistrates' Early Referral into Treatment
QPS	Queensland Police Service
QWIC	Department of Justice & Attorney General Court reporting database
RCIADIC	Royal Commission into Aboriginal Deaths in Custody
SPER	State Penalties Enforcement Registry
SWRG	State-wide Community Justice Reference Group

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Executive summary

Introduction

The Queensland Community Justice Group (CJG) Program is funded by the Department of Justice and Attorney General (DJAG) to develop justice strategies, support and reduce Indigenous contact with the criminal justice system and support victims of crime.

Total funding for the CJG Program of \$3.89 million was available in 2009/10 (\$4.04 million in 2010/11) and was distributed across 52 CJGs. The funding provides for the salary and support costs of coordinators and includes a provision for program training and administrative costs.

Program context

There are a number of reasons why Indigenous people are over-represented within the criminal justice system. These range from offending patterns, impact of policing and law, cultural differences and understanding of what constitutes a crime, geographical and environmental factors, socio-economic factors, marginalisation and the impact of specific colonial policies.

Indigenous justice initiatives contribute to efforts to reduce recidivism and re-offending behaviour. While there are no conclusive studies that indicate the positive effect of Indigenous justice initiatives on reducing the rate of recidivism, there have been observations made by justice stakeholders that, in their experience, Indigenous justice initiatives can have a positive impact on reducing recidivism.

Key principles underpinning like programs include the promotion of community responsibility and the recognition of Indigenous values within the western justice system. While the program design, funding levels and activities of like initiatives may vary, most play a role in supporting Indigenous offenders when they are already in the criminal justice system.

The Community Justice Group program

Within the court system, the CJG Program seeks to:

- increase Aboriginal and Torres Strait Islander communities' knowledge and skills in relation to the criminal justice system;
- assist local courts when dealing with Aboriginal and Torres Strait Islander people;

- sensitise the justice system to the needs and cultural values of Aboriginal and Torres Strait Islander peoples;
- advocate for appropriate changes to the criminal justice system through court based initiatives; and
- develop skills and competencies in relation to court operations.

In regard to building and maintaining relationships with stakeholders, the CJG Program objective is to:

- facilitate improved links between Aboriginal and Torres Strait Islander communities and statutory workers, police, courts and other parts of the justice system, including juvenile justice;
- establish partnerships with both community organisations and responsible State agencies leading to the development of community-based diversionary and interventionist strategies aiming to prevent, and/or provide alternatives to, arrest and custody;
- provide opportunities for community input and participation in the rehabilitation of offenders;
- monitoring of and coordination with, local community legal organisations assisting Indigenous offenders; and
- establish good working relationships with magistrates and court staff.

The CJG Program provides for the provision of administrative support structures for Statutory CJGs to fulfil their statutory responsibilities under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Regulation 2008*.

CJGs also undertake a range of other functions. Some of these, such as alcohol management functions, are prescribed under legislation. Others are defined as non-core activities in the Program Guidelines and include:

- facilitating programs for victims and offenders;
- supervising Community Service Orders;
- visiting prisons and detention centres;

- assisting with various applications including Birth Deaths and Marriages, Queensland Housing, Public Trust Wills; and
- attending Police interviews at the Police Station.

Performance of the program

The CJG Program was evaluated by analysing three dimensions of program performance: strategic alignment with Government policy and priorities; quality and effectiveness; and efficiency.

Strategic alignment

The evaluation finds that the CJG Program is closely aligned with strategic initiatives at both a state and national level in the law and justice area and particularly those with long term goals aimed at reducing contact of Indigenous persons with the criminal justice system. This view was supported by stakeholders consulted as part of the evaluation.

At the national level, the CJG Program is aligned with COAG's *Closing the Gap* agenda and with the five goals listed under the National Indigenous Law and Justice Framework.

At the state level, CJG objectives to foster participation in the justice system and help reduce incarceration rates of vulnerable persons are aligned to objectives that underpin many existing innovative court programs, such as the Murri Court, Drug Court and Queensland Indigenous Alcohol Diversion Program (QIADP).

Justice Moynihan's 2008 review into access to justice advocated for a more efficient, fair and equitable justice system that was inclusive and culturally appropriate. Stakeholders consulted as part of the CJG evaluation identified that the core activities of the CJG Program align with, and are consistent with, the Moynihan recommendations. The CJG Program also shares common objectives with the Murri Court Program, which has been found to be effective at engaging the Indigenous community in the legal process.^{1 2}

¹ Ryan, Neal and Head, Brian and Keast, Robyn and Brown, Kerry (2006) *Engaging Indigenous Communities: Towards a Policy Framework for Indigenous Community Justice Programs*. Social Policy and Administration 40(3) :pp. 304-321. Blackwell Publishing, available at <http://eprints.qut.edu.au/archive/00004834>.

² Parker, N and Pathe, M (2006) *Report on the Review of the Murri Court*. Department of Justice and Attorney-General, Brisbane.

Quality and effectiveness

The program is estimated to have supported over 4,000 Indigenous offenders³ and over 2,000 victims of crime in 2009/10.⁴⁵ The number of offenders supported by the CJG Program in 2009/10 represents approximately 25 per cent⁶ of all offenders annually in Queensland who identify as Indigenous.

The stakeholders consulted for this evaluation indicated that CJGs assist people coming into contact with the justice system through supporting and transporting offenders, victims and families through the court process, and advising the courts on relevant cultural and community factors for consideration during sentencing.

However, the quality and effectiveness of the CJG Program is severely constrained by poor program resourcing and governance arrangements, including unclear roles and responsibilities between program coordinators, DJAG regional staff and other justice agencies. Ineffective performance management, workforce planning and training translates into highly variable program delivery across the state.

Efficiency

The efficiency of the CJG Program cannot be reliably estimated using the available financial and performance data. The evaluation is therefore unable to advise if the current resourcing model is efficient.

The inadequate financial and performance information is a weakness of the program. The data that are collected do not provide solid quantitative evidence as to whether the program is effective in achieving outcomes, and do not provide Government or

³ Utilises the median number of offenders supported based on 15 CJG 2009/10 funding acquittal returns extrapolated for the remaining 37 CJGs for which limited data was available and added to the total offenders reported by 15 CJGs 2,762 + (44 * 37). The same method is used to estimate the number of victims.

⁴ Utilises the median number of victims supported based on 15 CJG 2009/10 funding acquittal returns extrapolated for the remaining 37 CJGs for which no data was available and added to the total victims supported reported by 15 CJGs 2,078 + (4 * 37)

⁵ Note that all program financial and activity estimates should be treated with the upmost caution. Program-wide estimates for the 52 CJGs are based on an extrapolation from data contained in 32 CJG 2009/10 financial reconciliation forms. It is also important to note that there are issues with the data quality, consistency and comparability contained in the 32 submissions.

⁶ Estimated resident Indigenous population in Queensland 146,400 (ABS Census data 2006)
<http://www.abs.gov.au/ausstats/ABS@.nsf/e8ae5488b598839cca25682000131612/14e7a4a075d53a6cca2569450007e46c!OpenDocument> (Census 2006). Rate of Indigenous offending in Queensland 11,000 offenders per 100,000 head of Indigenous population over 10 years of age. $(146,400 / 100,000) * 11,000 = 16,104$
<http://www.abs.gov.au/ausstats/abs@.nsf/Products/ADCB38752684A9AECA2576E9001BC188?opendocument>

CJGs with reliable evidence on which to base future community safety and crime prevention responses.

The qualitative findings of the effectiveness and quality assessment suggest that program funding is not delivering maximum value for money. There remains significant scope for improving the efficiency of the CJG Program in key areas such as program design, governance, skills and capability development and in the long term, pro-active diversionary activity.

KPMG's analysis of financial and performance data, which includes a detailed sample of information provided by 15 CJGs, has been largely used to highlight the limitations of the existing data and data collection processes.

Future directions

The evaluation found widespread support for the CJG Program amongst Indigenous community leaders, community based service providers, and justice system stakeholders such as local police officers and Court staff.

There is also a widespread view held by stakeholders that the program is not realising its potential for reducing the over-representation of Aboriginal and Torres Strait Islander people in the justice system, although it is seen as making an important contribution towards achieving this goal. The evaluation finds that, if the program is to continue as a key mechanism for reducing Aboriginal and Torres Strait Islander incarceration rates, consideration needs to be given to strengthening the program by refining its goal, better targeting its resourcing to priority activities, and implementing more robust governance and performance management frameworks. These measures should be combined with provision of adequate training and education for CJGs.

The evaluation was cognisant of the current national and state policy environment focus on Indigenous law and justice and the recent release of prominent reviews highlighting the potential of initiatives such as the CJG Program to prevent crime through community-based initiatives, particularly in discrete Indigenous communities.

The evaluation findings indicate the current CJG Program does not have a consistently sufficient level of capacity and membership to properly carry out all of its current roles or to take on additional roles, particularly in the area of crime prevention. The qualitative evidence collected as part of this evaluation suggests that, if efforts are put firstly into addressing the foundations of the program, then the skills, capacity and effectiveness of the CJGs could be developed to enable additional roles for them in areas such as crime prevention, without placing a significant burden on existing members and potentially having a detrimental impact on the quality of their funded court support activities.

The recommended next steps for enhancing the CJG Program include:

- Development of a new program goal, service model and activities for all CJGs. These should include focusing their efforts on court support activities, while maintaining the additional role for Statutory CJGs in relation to the *Liquor Act 1992*.
- Strengthening the program guidelines, financial and performance management frameworks.
- Allowing CJGs to propose members with spent criminal convictions and developing new program guidelines which include clear safeguards regarding the nomination of new members with criminal histories.
- Streamlining membership appointment processes through revisions to the program guidelines and legislation, if necessary.
- Introducing time limits to CJG membership with a defined process to review the reappointment or termination of their membership under the revised program guidelines.
- Introducing improved processes for data collection, analysis and feedback at both the Court House level with CJGs and across Government by improving data collection processes and investment in regional forums.
- Undertaking a training needs assessment and introducing a training and capacity building strategy to the CJG Program over the next two years, subsequent to revising the CJG Program goal and activities.
- Identifying those CJG Program activities to which other agencies should contribute funding and incorporate this in the revised funding model.
- Putting in place the necessary resourcing, training and capacity supports for the program so CJGs can be assigned new activities focused on crime prevention.

A full list of recommendations is contained in Chapter 6.

1 Background

1.1 Introduction

The Queensland Department of Justice and Attorney General (DJAG) engaged KPMG to undertake an evaluation of the Community Justice Group (CJG) Program. The first CJG in Queensland was established in 1993. Since then, the program has expanded considerably. DJAG have managed the program since 2006. Funding of \$4.04 million was allocated to the program in 2010/11.

There are currently 52 CJGs in Queensland, a combination of “statutory” and “Non-statutory” groups, spanning from the Torres Strait Islands to Brisbane. The term “Statutory Groups” applies to 19 CJGs based in Queensland’s discrete Aboriginal Communities which are appointed under the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Regulations 2008. Statutory CJGS are located in Cape York, Mornington Island, Palm Island, Woorabinda and Cherbourg. The first CJGs in Queensland were established some 17 years ago. Under the current program guidelines, the role of CJGs primarily relates to court based activities, and for the Statutory Groups, they have an additional role relating to alcohol management.

Previous Indigenous policy reviews in Queensland have examined the role and contributions of CJGs to the reduction of crime. These reviews have mainly focused on the Statutory CJGs in the 19 discrete communities in Queensland. This evaluation is targeted at the CJG Program delivery, and presents information collected from a representative sample of CJGs and stakeholders and available quantitative data derived from program activity reporting. Unlike previous reviews, the scope of this evaluation was wider than the 19 Statutory CJGs, therefore its findings capture views across metropolitan, regional and remote locations.

1.2 Evaluation terms of reference

The terms of reference for the evaluation of the Community Justice Framework are to:

- review the roles and functions of Community Justice Groups with reference to their contribution to criminal justice and community safety matters;
- assess the practice, operations, policy, legislation and performance framework related to the Community Justice Program; and
- identify strategies to inform the future direction of the Community Justice Program and make recommendations.

1.3 Evaluation scope

Within the scope of this evaluation are:

- an assessment of the efficiency, effectiveness and appropriateness of the CJG Program;
- a functional assessment to identify and assess the intended and actual functions of the CJG Program, capacities and resourcing;
- an economic analysis to consider the costs of the program compared with the benefits (both financial and social/community costs and benefits);
- identification of future directions to consider how the CJG Program could be strengthened/better aligned with key Government initiatives in the Criminal Justice/Indigenous Justice areas; and
- identification of improvements to the CJG Program that would enhance/strengthen the program's delivery in communities and the achievement of outcomes for clients, Government agencies and communities.

1.4 Evaluation governance

The evaluation was guided by an Evaluation Steering Committee. The Steering Committee met at critical points during the evaluation and provided guidance to the KPMG evaluation team. The Steering Committee comprised representatives from DJAG, Department of Premier & Cabinet (DPC), Aboriginal & Torres Strait Islander Services/Department of Communities (ATSIS), Department of Corrective Services (DCS) and Queensland Police Service (QPS). The CJG Program Manager within DJAG also met regularly with the KPMG Project Manager at key stages of the evaluation to provide guidance for the evaluation.

1.5 Evaluation methodology

An Evaluation Framework was developed in consultation with, and approved by, the Evaluation Steering Committee. The Evaluation Framework was devised in part by drawing on the principles outlined in the Queensland Government's Criminal Justice Framework and requirements of the tender.

Various methods, such as analysis of program performance and financial data, face-to-face meetings, workshops and questionnaires, were employed to collect and analyse data on CJG performance for the past 12 months. The information reported during the consultations was primarily qualitative.

The evaluation also considered a range of other material, including:

- a desktop review of documentation relevant to the CJG Program and its broader policy and program context in Queensland;
- a desktop summary of similar programs across Australian jurisdictions and other like countries such as Canada and New Zealand;
- a literature review of initiatives addressing re-offending and what the effective elements of Indigenous justice initiatives are;
- initial consultations with members of the Government Steering Committee and representatives from the Courts Innovation Program (DJAG) unit to develop a more detailed understanding of the program and the issues that required exploration in the evaluation;
- community consultations; and
- analysis of program documentation and available performance data, provided by DJAG, including program specifications and service funding agreements.

1.5.1 Community consultations

The evaluation project team consulted with a representative sample of CJGs in Queensland. Overall, 33 CJGs were interviewed during the evaluation period. These CJGs represented a mix of statutory, non-statutory, rural, remote and metropolitan based CJGs. All 52 CJGs were provided with an opportunity to respond to questionnaires and submit a formal response

In addition, consultations were held with the following stakeholders:

- managers and staff from DJAG Central office units such as the Courts Innovation Program unit and Strategic Policy Unit;
- court based staff such as Regional Managers and CJG Regional Advisors;
- face-to-face consultations with 31 CJG Coordinators and available CJG members;
- four regional workshops;
- four Magistrates who interact with CJG members;
- three Local Council representatives (all Councils in discrete communities were sent correspondence inviting them to be part of the evaluation);

- ten local Police who work with CJG groups, plus two police prosecutors who attended the Toowoomba workshop;
- nine Government agency interviews;
- one interview with ATSILS;
- one interview with the FRC Commissioner; and
- telelink with representatives from the Cape York Welfare Reform office.

1.5.2 Document review

A number of program related documents were analysed, including:

- CJG Program Guidelines, service agreement and performance reporting templates;
- general summary of the program expenditure and the funding allocated to the CJGs in 2009/10;
- terms of reference for the CJG State-wide Reference Group;
- position descriptions for key staff in the Courts Innovation Program including DJAG Regional Advisors;
- CJG Quarterly reports (financial and performance information);
- relevant reports such as CMC Restoring Order, Moynihan; and
- examples of CJG training material and information disseminated to CJGs for courts based work.

1.5.3 Quantitative data

The evaluation reviewed CJG activity data against the service agreement performance indicators collected by DJAG, and 2004-2009 Courts Volume and Sentencing data information (by courthouse and Indigenous status). The evaluation was provided with information regarding number of Indigenous persons on community based and parole orders per district from DCS. The evaluation also accessed ABS information regarding offending rates in Queensland.

1.5.4 Qualitative data

Qualitative data was collected through face-to-face interviews with CJGs, workshops, one-on-one interviews, telephone interviews and the distribution of a standardised questionnaire to all CJGs who were not interviewed.

1.5.5 Data limitations

Known limitations in the quantitative data provided included the following:

- That only basic service activity data is collected under the current CJG service agreement and there is limited ability for the data to capture the extent of effort in service provision.
- There is no data collected that assists with the analysis of the quality of the service - for example, the timeliness and responsiveness of the service.
- There is no demographic and/or client data available on clients assisted by the CJG Program that could be extrapolated from the courts data system (QWIC).
- There is a lack of robust outcome data available in relation to clients of CJGs.
- The QWIC database does not record the activity of CJGs in the court.
- There are variations in the quality of quarterly reporting by CJGs which limits the opportunity to use the data for cross service comparisons and measuring efficiency. For instance, DJAG has not received quarterly reports from all CJGs for the past financial year, therefore reporting periods are missing from some CJGs and for some quarters. This makes it difficult to meaningfully analyse patterns of expenditure and activity over time.
- Limited or no data is collected by other Government agencies that record their interaction, and type of interaction, with CJGs.

In addition, there were specific limitations with the qualitative data provided, such as:

- low participation and return rate on CJG questionnaires;
- limited attendance of some members of CJG groups at their consultation meetings which resulted in some CJG members' views not being recorded; and
- limited ability of the evaluation to conduct wider consultations with representatives from community services or programs that may have a relationship with CJGs.

2 Program context

This chapter presents broad information about Indigenous justice initiatives to provide a context to the evaluation of the CJG Program.

2.1 Local justice initiatives

The number of Indigenous people incarcerated is disproportionate to their population size. Indigenous participation in the courts and sentencing process has been a particular focus in addressing this issue since the 1990s when the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) recommendations highlighted the under-representation of Indigenous people involved in criminal justice decision-making. Local justice initiatives, such as CJGs, engage members of the Indigenous community at a local level to provide input into courts and to assist Indigenous offenders reduce their contact with the criminal justice system.

To appreciate whether local justice initiatives such as the CJG Program are successful in responding to offending behaviour within communities, the evaluation researched other local justice initiatives and their perceived impact on recidivism and re-offending behaviour, as well as risk factors of crime, in order to understand the fundamental principles that such initiatives need in place to be effective.

2.1.1 The impact of local justice initiatives

According to the 2006 National Prisoner's Census, the national Indigenous crude imprisonment rate was 2,127 per 100,000, with the Queensland rate of 1,877 per 100,000.⁷ Indigenous people were 13 times more likely than non-Indigenous people to have been incarcerated in 2006.⁸

Since the RCIADIC, Governments across Australia have facilitated opportunities with Indigenous persons to enable Aboriginal communities to manage their own distinctive approaches to local justice, in an attempt to reduce levels of contact and incarceration in the criminal justice system. Local justice initiatives have been viewed as central to efforts to reduce offending behaviour and rates of contact and incarceration of Indigenous persons in the criminal justice system.

Local justice initiatives are varied across Australia. Mechanisms such as groups or consultative committees provide a means of engagement between the Indigenous

⁷ Cunneen, C (2008) "Crime, Justice and Indigenous People" (2008) UNSWLRS11 University of New South Wales Faculty of Law Series, available at <http://www.austlii.org/au/journals/UNSWLRS/2008>

⁸ Australian Bureau of Statistics, 4722.0.55.003 – Law and Justice Studies – Aboriginal & Torres Strait Islander People: a snapshot. 2006, available at <http://www.abs.gov.au/ausstats/abs@nsf/mf/4722.0.55.003/>

community and the criminal justice system. These approaches aim to provide opportunities for offenders to have community members explain the impact of their offence and take responsibility for their actions, and to provide community members with an opportunity to provide cultural advice to judicial officers.

Local justice initiatives can also provide a potential framework for developing and strengthening Indigenous responses to crime within their communities.⁹ Such initiatives are considered to be an effective means for addressing unlawful behaviour in a variety of ways. It is argued they are able to provide a grass roots response to Indigenous crime issues.

The following list outlines the suggested value of local justice initiatives, as they provide:

- an opportunity for community self-determination, empowerment, management and leadership;
- an understanding of Indigenous crime related issues and the most effective programs and initiatives to respond appropriately;
- participation of Elders as respected members of the community in the criminal justice system;
- Indigenous offenders with an understanding of mainstream criminal processes as well as the minimisation of miscommunication between Indigenous peoples, police and courts; and
- responses designed by Indigenous people and not for Indigenous people.

Research indicates that six broad areas need to be addressed in order to reduce Aboriginal and Torres Strait islander over-representation in the justice system. These can be summarised as:

- integration and co-ordination of service planning, funding and delivery between State and Commonwealth agencies at both a strategic and community level through close collaboration with Local Councils;
- adult diversionary activities including increasing participation in paid employment and access to appropriate and desirable social, cultural and education activities and opportunities;

⁹ Ibid

- intensive work with people released from prison to reintegrate them into the community and connect them to employment and training opportunities and social, health and mental health services;
- addressing both individual and collective drug and alcohol issues in communities through working in partnership with local leaders, police and health services;
- ensuring that alcohol restrictions are appropriate, supported and understood, law enforcement is effective and appropriate and that individuals have access to drug and alcohol treatment options to address underlying addiction;
- working with young people to provide positive social, cultural and educational diversionary activities, in addition to more targeted and intensive intervention where young people are engaging in anti-social behaviour; and
- meaningful and targeted representation of individuals who come into contact with the justice system through Court based support and integration with other programs.¹⁰

Queensland's CJG Program is just one initiative seeking to work across the areas listed above. To have an impact on reducing crime, addressing the risk factors that cause crime is necessary.

2.1.2 Addressing risk factors for the involvement of crime

There are various reasons why Indigenous people are over-represented within the criminal justice system. These range from offending patterns, impact of policing and law, cultural differences in understanding what constitutes a crime, geographical and environmental factors, socio-economic factors, marginalisation and the impact of specific colonial policies.

Causes of crime are complex and associated risk factors for the involvement in crime will differ for individuals. This creates difficulty when determining the effectiveness of a singular local justice initiative in reducing re-offending, as the causes of crime are multi-dimensional.

The following are commonly identified as risk factors for offenders:

- low incomes and unemployment;
- poor school attendance and performance;

¹⁰ Ryan, Neal & Head, Brian and Keast, Robyn and Brown, Kerry (2006) *Engaging Indigenous communities Towards a Policy Framework for Indigenous Justice Programs*. Social Policy & Administration <http://eprints.qut.edu.au/archive/00004834>

- alcohol consumption; and
- poor parenting or family structures.

These risk factors, without successful intervention in communities, can lead to persistent offending.¹¹ At a community level, a range of justice and social services are required to identify risk factors early in an offender's life, and supports put in place to prevent crime being chosen as the option. As a community-based volunteer initiative, statutory CJG members in particular work in communities with high levels of risk factors.

2.2 The capacity for local justice initiatives to address recidivism

Indigenous justice initiatives are generally perceived to contribute to efforts to reduce recidivism and re-offending behaviour. However, there is no conclusive evidence available on the extent to which Indigenous justice initiatives reduce recidivism, and the evaluation reports that are available mostly focus on the effectiveness of Indigenous sentencing courts rather than other aspects of the work undertaken through local justice initiatives, and contain mixed findings.

In terms of Indigenous courts, an evaluation of the Victorian Koori Court over the period 2002 to 2004 suggested that the court had reduced recidivism of Indigenous defendants by almost half compared to the general level of recidivism¹². However, a 2008 evaluation of the NSW circle sentencing program found that that initiative had no impact on recidivism rates¹³, and the 2009 evaluation of the Kalgoorlie Aboriginal Community Court in Western Australia found a slight increase in re-offending rates¹⁴.

In terms of Indigenous justice groups, early research on recidivism rates for offenders at the Rockhampton Murri Court indicated that sentencing orders that required offenders to attend CJG and/or other community based rehabilitation with Elders were more effective than those which did not involve ongoing community contact (such as fines) in reducing recidivism, suggesting a potential correlation between CJGs, Indigenous sentencing courts and reduced recidivism¹⁵.

¹¹ McAsey, Bridget (2005) *A critical evaluation of the Koori Court Division of the Victorian Magistrates Court*, Deakin LawRw 35 Deakin Law Review 654

¹² Harris, M (2006) *A sentencing conversation; Evaluation of the Koori Courts Pilot Program October 2002 – October 2004*, Department of Justice, Melbourne.

¹³ Fitzgerald, J (2008) 'Does circle sentencing reduce Aboriginal offending?', in *Contemporary issues in crime and justice*, no.115, May 208, NSW Bureau of Crime Statistics and Research Sydney. http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/pages/bocsar_mr_cjb115

¹⁴ Aquilina, H, et al (2009) *Evaluation of the Aboriginal Sentencing Court of Kalgoorlie*, Shelby Consulting, Perth.

¹⁵ Cunneen, C, Collings, C, and Ralph, C (2005) *Evaluation of the Queensland Aboriginal and Torres Strait Islander Justice Agreement*, Institute of Criminology, University of Sydney.

A 2001 analysis of evaluations of various Australian and international Indigenous justice groups found that such initiatives can achieve reductions in juvenile offending and truancy, reductions in family and community disputes and violence, increase community empowerment and self-esteem, better support offender re-integration and generate cost savings for justice agencies, but did not find conclusive evidence of reductions in adult reoffending¹⁶.

There has been some anecdotal evidence about the positive impacts of Indigenous justice initiatives other than their affect on recidivism rates, such as:

- the roles local Elders and respected persons play in upholding cultural values of respect to offenders;
- use of traditional “shame” to prevent re-offending in court and in community based meetings;
- use of community people to supervise non-custodial court orders so community people can work with the offender to address underlying behaviours and attitudes contributing to offences to stop the crime occurring again; and
- educating the western based judicial system about cultural factors in an offender’s life.¹⁷

In some communities, it is argued that local justice initiatives can be an effective means for reducing the level of violence, family disputes and breaches of correctional orders by providing an immediate impact on the offender’s criminal behaviour within their community. A recent report released by the CMCs, *Restoring Order: Crime Prevention, Policing and local justice in Queensland* (November 2009), advocated that the crime problem cannot be addressed by a policing and criminal justice response alone. This report highlighted that reducing recidivism requires coordinated and multi-dimensional response across the program continuum of prevention through to reaction and intervention.

These views were also reflected in comments by the 2008 NSW circle sentencing evaluators that that initiative should not seen as having no value simply because it cannot be correlated with short-term recidivism. By strengthening informal social controls within Indigenous communities, such initiatives may have longer-term crime

¹⁶ Cunneen, C (2001) *The impact of crime prevention in Aboriginal communities*, Institute of Criminology, University of Sydney.

¹⁷ McAsey, Bridget (2005) *A critical evaluation of the Koori Court Division of the Victorian Magistrates Court*, Deakin LawRw 35 Deakin Law Review 654

prevention values that cannot be immediately quantified through the analysis of individual re-offending patterns¹⁸.

Highlighting the importance of multi-focussed approaches to tackling recidivism, it is notable that the recent NSW and WA responses to reviews of the Indigenous courts in those states have both acknowledged a need for more support and intervention resources to assist offenders address the underlying causes of their offending behaviour.^{19 20}

2.3 Indigenous justice initiatives in other jurisdictions

There are a range of Indigenous justice initiatives across Australia and internationally, notably in New Zealand and Canada²¹, which seek to reduce Indigenous offender contact with criminal justice systems.

Key principles underpinning like programs include the promotion of community responsibility and promoting the integration of Indigenous values with the western justice system. While the program design, funding levels and activities of like initiatives varies, most play a role in supporting Indigenous offenders when they are already in the criminal justice system. Tables in Appendix B provide a summary of initiatives across jurisdictions which the evaluation has identified as being of particular comparative relevance to Queensland's CJGs.

The NSW Community Justice Group program is considered to be the most similar to Queensland's CJG Program design and funding. Each NSW CJG has a funded coordinator position that works with a volunteer based CJG to input cultural advice and sentencing options for the court to consider. The NSW CJGs are responsible for developing a local crime prevention plan in each of their communities with other justice stakeholders, and some manage community night patrols. The NSW CJGs also support Circle Sentencing Courts.

¹⁸ Cultural and Indigenous Research Australia (2008) *Evaluation of Circle Sentencing Program*, NSW Attorney-General's Department, Sydney.

¹⁹ Hatzistergos, J (2010) *Circle sentencing expanded in NSW*, http://www.lawlink.nsw.gov.au/lawlink/corporate/ll_corporate.nsf/pages/ll_media_centre_attorney_general_2010

²⁰ Porter, C (2010) *Kalgoorlie-Boulder Community Court trial extended*, <http://www.mediastatements.wa.gov.au/Pages/WACabinetMinistersSearch.aspx?ItemId=133323&minister=Porter&admin=Barnett>

²¹ Indigenous courts in Canada include sentencing circles and Aboriginal courts such as the Gladue Courts, and all Canadian criminal courts to pay particular attention to the circumstances of Aboriginal offenders in sentencing. In New Zealand there are two Maori courts and other measures to promote Maori cultural recognition and participation in the legal system.

All Australian jurisdictions, with the exception of Tasmania, now operate some form of Indigenous sentencing court for summary offences. These include the Nunga Courts in South Australia (established in 1999), Koori Courts in Victoria, Murri Courts in Queensland and the Circle Courts in New South Wales (all established in 2002), and the Aboriginal Community Court in Western Australia (established in 2006). These courts offer an alternative sentencing court for Indigenous offenders. Magistrates retain ultimate sentencing power but take advice from Indigenous Elders or other respected community members²². The Elders/respected community members are either unpaid community justice group/committee volunteers (as in Queensland and NSW) or paid panel members (as in Victoria and Western Australia).

2.3.1 NSW ACJGs and circle sentencing

Like Queensland, the NSW Aboriginal Community Justice Group program funds a Coordinator for each Group. Under the NSW program, the Government funds 20 Aboriginal Community Justice Groups (ACJGs) with more than 400 members. Funding is mainly allocated to the salary of the coordinator. Some funding may be allocated to the ACJGs themselves to deliver crime prevention activities as required, such as community patrol, however the number of actual crime prevention activities these groups currently perform is minimal and not widely documented.

ACJGs play an important role in the operation of the circle sentencing court in NSW. Like Queensland CJGs and Victorian Koori Court Elders and respected persons, ACJGs are legislatively recognised as part of the court process. The minister appoints ACJGs for each Circle Court. Unlike the Queensland and Victorian models, the ACJGs effectively 'screen' offenders to determine whether they are eligible to participate in circle sentencing; in other jurisdictions, the magistrate determines eligibility to participate in the Indigenous sentencing court.

In common with Queensland CJGs, the NSW ACJGs and Elders who participate in the circle (who are often but not always members of the ACJG) are not remunerated. This is in contrast to the Elders and respected person office holders within the Victorian and Western Australian Indigenous courts.

The circle sentencing courts in NSW are based on a Canadian model. Participants sit around in a circle, the offence is discussed and sentencing options are agreed to by members of the circle. The circle sentencing approach is also used in the ACT.

²² Marchetti, E and Daly, K (2004) 'Indigenous courts and justice practices in Australia', in *Trends and issues in crime and criminal justice*, no. 277, May 2004, Australian Institute of Criminology.

Circle sentencing was first introduced in NSW in 2002 as an initiative of the Aboriginal Justice Advisory Council (AJAC) and the NSW Attorney General's Department (AGD).²³ Evaluation of the initial NSW circle sentencing trial in 2003 found the process to be a success with a high level of satisfaction by participants²⁴.

The 2008 evaluation of the expanded Circle Sentencing Program found that the program was successful in including Indigenous communities, offenders and victims in the sentencing process, increasing Indigenous confidence in the sentencing process and reducing barriers between communities and the courts, increasing offender awareness of the consequences of their actions and providing culturally appropriate sentencing options²⁵. The only program objective found not to have been met was that of reducing recidivism.

The 2008 evaluation also highlighted some unintended negative effects of Circle Sentencing. These included that Elders' personal values and views being pushed onto the offender as well as the resource-intensive nature of the approach.

Analysis for the evaluation by the NSW Bureau of Crime Statistics and Research concluded that Circle Sentencing had not reduced recidivism, or the seriousness of the offence for those who reoffended.²⁶ Aboriginal community members, however, unanimously felt that the process had a strong impact on the offenders and that it went some way to addressing their offending behaviour.²⁷

In recently announcing the expansion of circle sentencing, the NSW Government indicated that a number of enhancements to the program had been made since the 2008 evaluation (including the establishment of intervention plans to assist offenders to address their behaviour); these enhancements were expected to address the long-term effectiveness of the program in reducing recidivism²⁸.

2.3.2 Victorian Koori Court

The Koori Court was established in 2002 as part of the Victorian Aboriginal Justice Agreement to encourage greater involvement of Indigenous people within the criminal justice system. Although the sentencing approach is not the same as circle

²³ Cultural & Indigenous Research Centre Australia (May 2008) *Evaluation of Circle Sentencing Program Report*, NSW Attorney General's Department, Sydney, page 19.

²⁴ Lawrie, R, Thomas, B, Potas, I, Smart, J and Brignell, G (2003) *Circle sentencing in New South Wales: A review and evaluation*, Judicial Commission of NSW, Sydney.

²⁵ Cultural and Indigenous Research Centre (2008) *Evaluation of Circle Sentencing Program*, NSW Attorney-General's Department, Sydney.

²⁶ Ibid, page 6.

²⁷ Ibid, page 20.

²⁸ Hatzistergos, J (2010) *Circle sentencing expanded in NSW*, http://www.lawlink.nsw.gov.au/lawlink/corporate/ll_corporate.nsf/pages/ll_media_centre_attorney_general_2010

sentencing – where the goal is to reach a consensus – the Koori Court is also set out in a circle with the magistrate sitting at eye level with the offender and Elders or respected persons, and the Koori Court officer, offender's family or support person, and the prosecution and defence council.

As in other Indigenous courts, the Elder or respected person is an appointed office. Unlike all other courts, the Elder or respected person is remunerated.

Victoria also supports local justice consultative committees. These are similar to the Queensland and NSW CJGs in that members are volunteers and they also provide cultural and background information to judicial officers to support culturally appropriate sentencing. The committees evolved from the former community justice panels, which were funded and administered by Victoria Police, and also comprised of volunteers. The panels worked with justice agencies to assure the safety of Indigenous offenders in custody, including assisting them to arrange legal advice. Panel members also provided cultural and background information to judicial officers. A 2001 review of the panel program found a need to increase resourcing to the panels so they could become more involved in crime prevention and diversionary practices.²⁹

A critical evaluation of the Koori Court in 2005 recognised the court's significant contribution to community building and the ability of the Koori community to witness their culture being given status within the mainstream system, particularly by the participation of Elders.³⁰ It found that the Koori Court has strengthened the Koori community through reinforcing the status of Elders, increased community participation and ownership of the administration of law, and developed an effective means of integrating service providers involved in tailoring community-based orders.³¹

This evaluation also acknowledged potential disadvantages of the Koori Court, including the fact that the success of the Koori Court relied on the Magistrates adapting to the operations of the Koori Court. Furthermore, the transfer for an offender from mainstream to the Koori Court is dependant on their legal representative applying on their behalf in reference to eligibility.

Overall, while the findings regarding the Koori Court were positive, it is difficult to draw conclusions on the impact of Indigenous sentencing courts on reducing recidivism.³² Nevertheless, the review of the Koori Court did not consider re-offending as an indication of failure, as it had contributed to an enhanced quality of life of the

²⁹ Aboriginal Community Justice Review Team (2001), Review of the Aboriginal Community Justice Panel: Final Report, cited by WALRC (2005) Aboriginal Customary Laws Discussion Paper,

³⁰ McAsey, Bridget — "A Critical Evaluation of the Koori Court Division of the Victorian Magistrates' Court" [2005] DeakinLawRw 35; (2005) 10(2) Deakin Law Review 654, available at <http://www.austlii.edu.au/au/journals/DeakinLRev/2005/35.html>.

³¹ Ibid, page 23.

³² Ibid, above n 1, page 23.

defendants who appear in that court and ensures the criminal justice system takes seriously the concerns and challenges facing Indigenous communities.³³

2.3.3 Lessons for this evaluation

The experiences of other jurisdictions highlights the challenge crime reduction presents to Indigenous justice initiatives, and suggests that court based programs have been a common way to address Indigenous offending risk factors.

Although there are broadly similar models to the Queensland CJGs in other jurisdictions, no other model is directly comparable to the CJGs.

In terms of best practice, there is currently limited evidence of the success of Indigenous justice programs from other jurisdictions in reducing offending rates, particularly as all of the existing models work at the “reactive” end of criminal justice once offenders are already in the system. Importantly though, the most recent reviews of Indigenous justice programs have recognised a need for a more integrated approach with an increased focus on resources to support interventions and treatments that help offenders address the underlying causes of their offending.

To date, there have been two main elements underpinning local Indigenous justice programs: support for volunteer based community crime prevention, and delivery of culturally appropriate sentencing once an offender is in the criminal justice system. The recent reviews suggest that a third element is now emerging: intervention and support for the offender’s underlying problems.

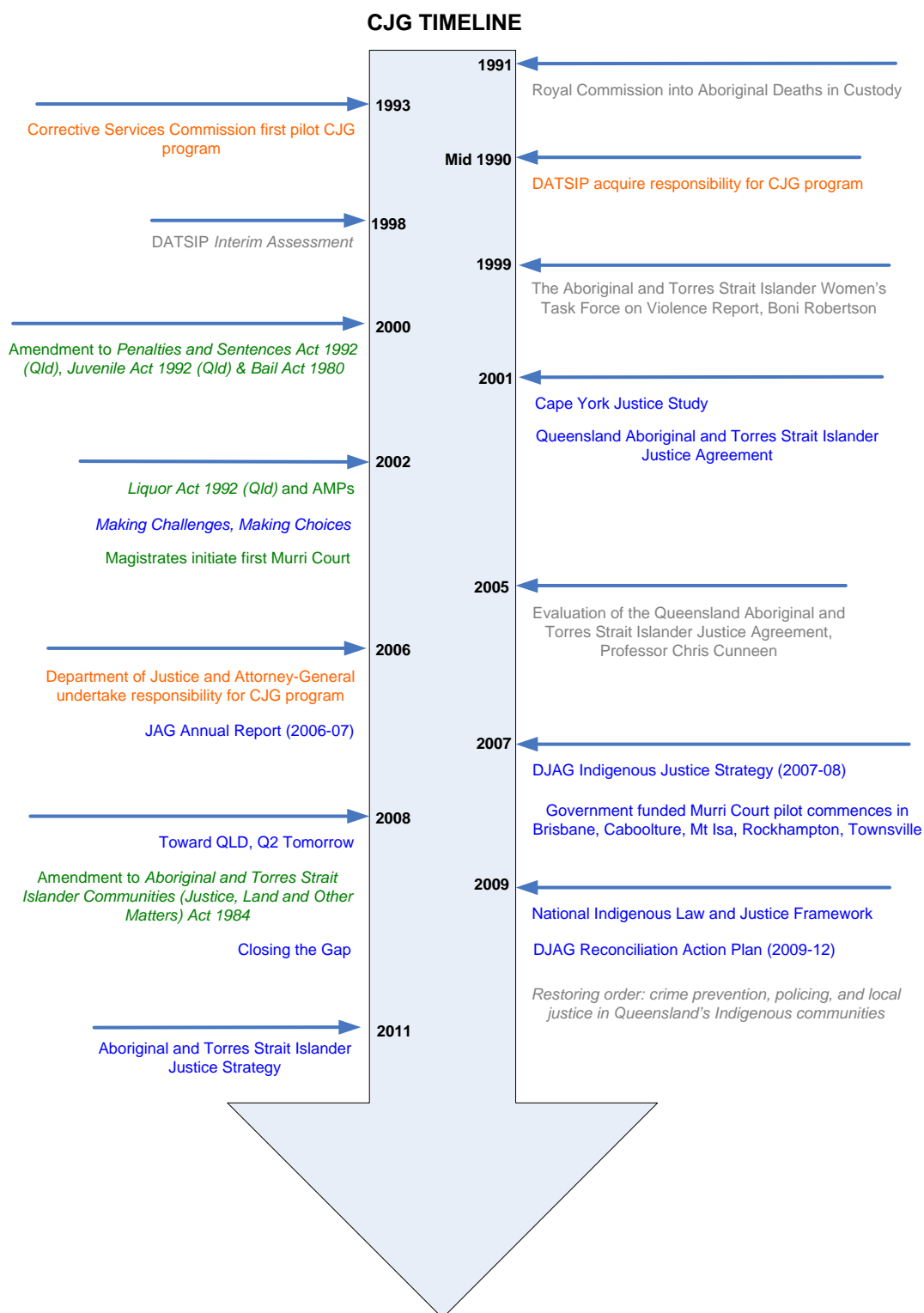
2.4 The history of the CJG Program

The CJG Program has been part of the Queensland Government’s efforts to reduce Aboriginal and Torres Islander over-representation in the criminal justice system for 17 years. The roles and functions of CJGs have however changed over this time.

The following figure summarises the key changes to the CJG’s mandate and functions. Appendix D provides a more detailed overview of the history of the program.

³³ Ibid, above n 6.

Figure 1: Timeline of the CJG Program



3 The current CJG Program

This chapter describes the CJG Program including its current program design, services and program management arrangements. It also describes the program activity based on DJAG performance data provided for the past 12 months.

Evaluation findings relating to each component of the program are outlined in the following chapter of this report.

3.1 Program administration

The CJG Program is administered by DJAG through the Courts Innovation Program. DJAG employs Central Managers and up to 10 Regional Advisors to manage the Program. The Court Innovation Program provides overall program management and strategic direction, DJAG Regional Managers are responsible for courts in its departmental regions, and the Regional Advisors generally have responsibility for between three and five individual CJGs.

Funding policy and procedural direction and support is set by the Department centrally under the CJG Program Guidelines (see Appendix C). The Courts Innovation Programs Unit manages funding for the program centrally. The unit provides funds to individual CJGs who may receive their funding through three possible avenues:

- auspicing by the local council;
- auspicing by another organisation such as a local Aboriginal Community Controlled Organisation; or
- direct funding to CJGs that have the legal status of incorporated organisations.

3.1.1 Role of the Regional Advisors

At the regional level, DJAG's Regional Advisors are the key contacts responsible for managing the CJG Program. The purpose of the Regional Advisor role is to:

- support the CJGs in addressing and administering activities to assist in reducing the over-representation of Indigenous people in the criminal justice system;
- assist in the development of networks between the CJG and other agencies to ensure justice issues impacting on Indigenous communities are addressed; and

- report and advise on the operations of the CJG, ensuring they achieve the purposes and outcomes for which they are funded.³⁴

Among other duties, Regional Advisors are required to:

- provide advice and support to the CJG members to assist in their support of Indigenous victims and offenders in contact with the criminal justice system;
- organise, facilitate and deliver where possible, education and training to the members of the group on legal processes; and
- build and maintain effective working networks and information sharing mechanisms with government and non-government contacts with the aim of addressing CJG needs.

3.1.2 Role of the Coordinators

In most instances each CJG is funded to have a coordinator. In the case where the CJG is managed through an incorporated entity, the coordinator must be appointed by that incorporated entity, and it is the responsibility of the incorporated entity to advise the CJG of such appointment.

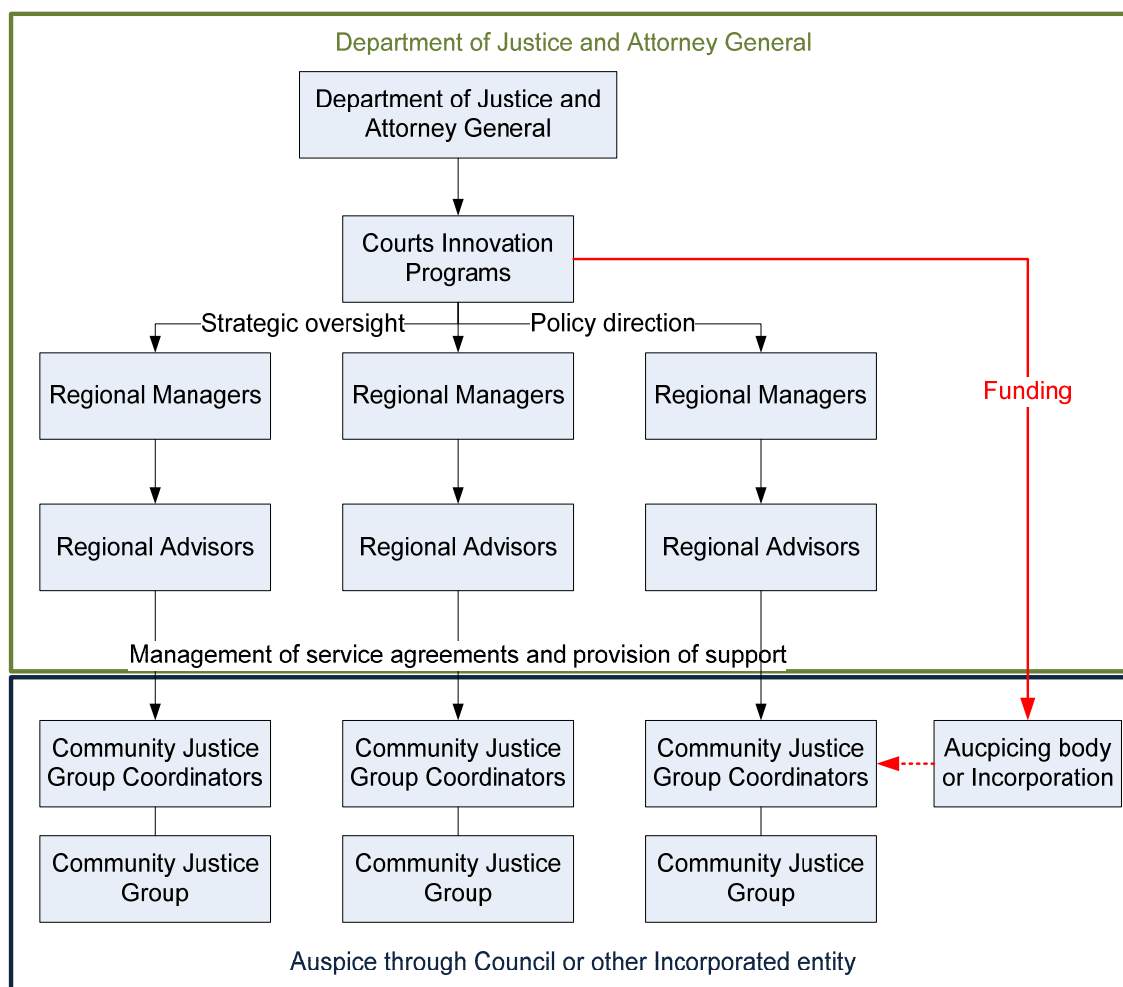
The functions of the coordinator are to:

- provide administrative support to the group;
- attend meetings on behalf of the group and report back to the group of any issues that relate to it;
- ensure that minutes of CJG meetings are kept;
- ensure that all reporting requirements are complied with; and
- report to the Minister when a vacancy occurs as a result of death or resignation.

The following diagram summarises the program administration arrangements for the CJG Program.

³⁴ Department of Justice and Attorney General, Regional Advisor position Description.

Diagram 1: Program administration of the CJG Program



3.2 Legislative requirements

The operation and functions of the CJG Program are defined in legislation and in its program guidelines. Under the current CJG Program, there are 19 Statutory CJGs.

The *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* ('the Act') prescribes the power and functions of Statutory CJGs, while the *Liquor Act 1992* prescribes the role of Statutory CJGs in relation to alcohol restrictions in communities. The current list of Statutory CJGs is outlined in the following table.

STATUTORY COMMUNITY JUSTICE GROUPS	
Aurukun – Aurukun Community Justice Group	Bamaga – Bamaga Mina Kodimir Community Justice Group
Cherbourg – Barambah Community Justice Group	Doomadgee – Ngooderi Mabuntha Community Justice Group
Hope Vale – Thurrbiil Community Justice Group	Injinoo – Ikamalkya Community Justice Group
Kowanyama – Kowanyama Community Justice Group	Lockhart River – Wilpumu Justice Group
Mapoon – Mapoon Community Justice Group	Mornington – Junkuri Laka Community Justice Group
Napranum – Twal Council of Elders Napranum Community Justice Group	New Mapoon – Mandthingu Community Justice Group
Palm Island – Palm Island Community Justice Group	Pormpuraaw – Pormpuraaw Justice Group
Seisia – Iboopuydhan Balbygimaipa Community Justice Group	Umagico – Umagico Community Justice Group
Woorabinda – Worrabinda Community Justice Group	Wujal Wujal – Wujal Wujal Warranga Justice Group
Yarrabah – Yarrabah Community Justice Group	

3.2.1 Legislative functions and powers of Statutory CJGs

A summary of the legislation which confers a range of functions on the Statutory CJGs is presented in the following table. The Liquor Act provisions only apply to Statutory CJGs.

STATUTE	KEY PROVISIONS
Aboriginal and Torres Strait Islander (Justice, Land and Other Matters) Act 1984	<ul style="list-style-type: none"> • Powers and functions of the CJG • CJG membership and appointment processes • Requirements for appointment and the role of the CJG Coordinators • Processes for Police Checks for CJG members • Miscellaneous provisions regarding authentication of documents and reporting requirements

STATUTE	KEY PROVISIONS
Aboriginal and Torres Strait Islander (Justice, Land and Other Matters) Regulations 2008	<ul style="list-style-type: none"> • Transitional provisions for the continuation of CJGs established under repealed legislation • Specific membership, business and meeting requirements for each of the Statutory CJGs
Penalties and Sentences Act 1992	<ul style="list-style-type: none"> • Provision that the court is to have regard to any submissions of a representative of the CJG in sentencing an Aboriginal or Torres Strait offender, including in relation to: the offender's relationship with the local community, cultural considerations, programs and services in which the CJG participates, and other circumstances and matters relevant to the sentencing. • Requirements that the CJG must disclose any conflicts of interest related to the offender or victim • Provision allowing the release of documents or court files to a CJG representative if the Court directs • Requirement that CJG members must not record, use, or intentionally or recklessly disclose any information obtained through exercising functions under the Act • Liability protection of CJGs for any act or omission related to making submissions that is made honestly and without negligence.
Bail Act 1980	<ul style="list-style-type: none"> • Provision that the court may receive and take into account any submissions made by a representative of the CJG in deciding on bail arrangements, for example about: the defendant's relationship with the community, any cultural considerations, or any considerations relating to programs or services in which the CJG participates • Requirements that the CJG must disclose any conflicts of interest related to the offender or victim • Provision allowing the release of documents or court files to a CJG representative if the Court directs • Requirement that CJG members must not record, use, or intentionally or recklessly disclose any information obtained through exercising functions under the Act • Liability protection of CJGs for any act or omission related to making submissions that is made honestly and without negligence.

STATUTE	KEY PROVISIONS
Youth Justice Act 1992	<ul style="list-style-type: none"> • Provisions requiring a convenor of a youth conference to consider inviting a representative of a CJG • In sentencing/orders, the court must have regard to any submissions by a representative of a CJG about the defendant's relationship with the community, any cultural considerations, or any considerations relating to programs or services in which the CJG participates • If required by the Court, the CJG must disclose any conflicts of interest related to the offender or victim • In sentencing, the court must have regard to the CJG submission about the defendant's relationship with the community, any cultural considerations, or any considerations relating to programs or services in which the CJG participates • If a representative of the CJG receives information through their involvement of the administration of the Act they may record and use the information to help build their submission however they are bound by the disclosure and confidentiality requirements of the Act • Liability protection of CJGs for any act or omission related to making submissions that is made honestly and without negligence
Liquor Act 1992	<ul style="list-style-type: none"> • The CJG must receive a notice of any variation to licensed premise within a community area • The Chief Executive Officer may ask for comments from a CJG on license applications • If the application pertains to a community area, the Chief Executive Officer must have regard to comments made by the CJG • Minister may only make a recommendation to the Governor to declare a restricted area if the CJG has been consulted and the Minister must consider a recommendation regarding the declaration made by the CJG • The Minister must notify the CJG of a declaration of a restricted area in a community area.

Court based functions

The *Aboriginal and Torres Strait Islander (Justice, Land, and Other Matters) Act 1984* provides that the functions and powers of CJGs are to:

- take part in the court hearings, sentences and bail processes as per the relevant legislation;
- network with relevant agencies and ensure issues relating to all Indigenous justice matters are addressed;
- provide support to victims and also to offenders throughout the legal process;
- make recommendations to the Minister administering the Liquor Act 1992, Part 6A, about declarations under that Part; and
- execute any other functions as prescribed under the Act, or any other Act.

The 'powers' of the CJGs are broad, in that they have the "power to do all things reasonably necessary to be done for performing its functions" and such powers are provided to the CJG through the Act, or any other Act. As outlined in the table above, there are currently four other Acts under which the CJG Program has powers and functions. These are the *Penalties and Sentences Act 1992*, *Bail Act 1980*, the *Youth Justice Act 1992*, and the *Liquor Act 1992 (applies to Statutory only)*.

Generally, the legislation confers the following powers on CJGs:

- to provide submissions to the court and/or officers (including in some instances police officers) around the sentencing and bail conditions of the offender, youth or defendant, if this is permitted by the court and/or officers;
- the ability to receive documents pertaining to the offender, youth or defendant as part of the administration of their role under the legislation, if this is directed by the court;
- conditions around confidentiality and use of information obtained by the CJG representative including limitations disclosure of information to other parties; and
- protection of the CJG against civil liability for any act or omission related to making submissions that is made honestly and without negligence.

Alcohol management functions

The *Liquor Act 1992* also provides for the Statutory CJGs only to have an advisory role in the administration of liquor licensing. In terms of variation of licensed premises within a community area, or a community area that has restriction, the Chief Executive must give written notice of the proposed variation to the CJG.

In respect to applications for a licence, licence variation or other approval in a restricted area, the Chief Executive may ask the CJG for comments about an application if the area is in a community area. Further, s. 121 supplements this provision by stating that, in deciding whether to grant the application, the Chief Executive must have regard to comments from the CJG if it concerns a community area.

In terms of alcohol restrictions, 173I prescribes that, if any part of a “community” area is to be declared a restricted area in terms of possession of liquor, the Minister must consult with the CJG about the declaration and, if any recommendations are made by the CJG, the Minister must consider the recommendation. Restrictions are made through declaration via Regulation. In the event that the Minister has not consulted with a CJG, it does not affect the validity of the restriction. Section 173J requires the Chief Executive to give written notice about the declaration to the CJG if restrictions are on a community area.

Lastly, under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, the CJG has the power to report to the Minister any breach in relation to Part 6A of the Act – restricted areas.

3.2.2 Functions and Powers of Non-Statutory CJGs

The difference between statutory and non-Statutory CJGs is that non-Statutory CJGs can be established more informally and their role is focused on court based activities.

Non-Statutory CJGs are established administratively and do not need to comply with the membership requirements in the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*.

The key difference in the functions and powers of non-Statutory CJGs is that the provisions of the *Liquor Act 1992* do not apply to them. All other court related functions of Statutory CJGs (outlined in the table and sections above) apply in the same way to non-Statutory CJGs.

This is achieved by the inclusion of a broader definition of a CJG in the *Penalties and Sentences Act 1992*, *Bail Act 1980*, and the *Youth Justice Act 1992* to include:

- a group of persons within the offender's community, other than a department of government, that is involved in the provision of any of the following:
 - information to a court about Aboriginal or Torres Strait Islander offenders;
 - diversionary, interventionist or rehabilitation activities relating to Aboriginal or Torres Strait Islander offenders;
 - other activities relating to local justice issues; or
- a group of persons made up of elders or other respected persons of the offender's community.

3.2.3 Program goals and objectives

According to the DJAG Program Guidelines (see summary in Appendix C), the program's objectives are grouped according to their role within the courts and the criminal justice system as well as their relationship with statutory and community stakeholders.

Within the court system, the CJG Program seeks to:

- increase Aboriginal and Torres Strait Islander communities' knowledge and skills in relation to the criminal justice system;
- assist local courts when dealing with Aboriginal and Torres Strait Islander people;
- sensitise the justice system to the needs and cultural values of Aboriginal and Torres Strait Islander peoples;
- advocate for appropriate changes to the criminal justice system through court based initiatives; and
- develop skills and competencies in relation to court operations;

In regard to building and maintaining relationships with stakeholders, the CJG Program objective is to:

- facilitate improved links between Aboriginal and Torres Strait Islander communities and statutory workers, police, courts and other parts of the justice system including juvenile justice;
- establish partnerships with both community organisations and responsible State agencies leading to the development of community-based diversionary and

interventionist strategies aiming to prevent and/or provide alternatives to arrest and custody;

- provide opportunities for community input and participation in the rehabilitation of offenders;
- monitoring of and coordination with, local community legal organisations assisting Indigenous offenders; and
- establish good working relationships with magistrates and court staff.

Furthermore, the CJG Program provides for the provision of administrative support structures for statutory Community Justice Groups to fulfil their statutory responsibilities under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* and the *Aboriginal Communities and Land Matters Regulation 1998*.

3.3 CJG Program Service Agreement

The DJAG Service Agreement outlines the core and optional activities undertaken by CJGs. These can be divided into four key service areas:

- Court participation – partaking in court hearings and the sentencing process in accordance with the statutory duties contained in the *Penalties and Sentences Act 1992* (Qld), *Bail Act 1980* (Qld) and *Youth Justice Act 1992* (Qld), including support at all stages of the legal process to both victims and offenders.
- Networking – development of networks with agencies to ensure that justice related issues impacting on Indigenous communities are addressed and have a particular focus on the development and support of prevention programs.
- Diversion – encouragement of diversionary processes such as civil and criminal mediation, youth justice conferencing, community service orders and supervised orders.
- Alcohol possession – providing advice to relevant agencies on issues relating to the possession and consumption of alcohol in a community area (statutory groups only).

The four service areas grouped under the DJAG Service Agreement reiterate the diverse program functions CJGs can perform – everything from court support to prevention, to commenting on public policy and legislation. Essentially, to capture the range of activities CJGs perform, two levels of activity reporting under the service agreement occurs. One section of the Service Agreement refers to “core” activities, the other “non-core” activities.

3.3.1 Core activities

CJGs are required to deliver core activities under the DJAG Service Agreement. The following list outlines key core activities to be undertaken by CJGs under their Service Agreement:

- prepare and present written sentencing submissions to the courts;
- prepare and present oral sentencing submissions to the courts;
- attend court sittings to provide assistance to victims and offenders;
- link victims with support and legal services;
- assist victims prepare Victim Impact Statements;
- link offenders with support and legal services;
- support offenders to comply with conditions of non-custodial court orders;
- assist debtors to liaise with SPER regarding outstanding fines;
- attend stakeholder meetings with other agencies, including Queensland Police Service, Department of Communities, Department of Corrective Services, the Judiciary and Magistracy, Local Council, Aboriginal and Torres Strait Legal Service, Legal Aid and NGOs;
- partnership with stakeholders to identify, establish and support prevention programs;
- attend community consultations regarding issues relevant to criminal justice issues;
- provide advice regarding alcohol management including participation in consultation processes and the provision of written submissions as required (statutory only); and
- assist applicants with dry place declaration applications (Statutory CJGs only).

These core activities align across services areas such as court participation, networking, diversion and alcohol management.

3.3.2 Optional activities

Under the current Service Agreement, CJGs can decide to conduct additional “non-core” activities. The activities selected by CJGs can differ between groups, but must also deliver outcomes associated with the program core activities listed above. Examples include:

- facilitate programs for victims and offenders;
- supervise Community Service Orders;
- visit prisons and detention centres;
- assist with various applications including Birth Deaths and Marriages, Queensland Housing, Public Trust Wills; and
- attend Police interviews at the Police Station.

Appendix C (Program Guidelines) provides a full list of the current core and non-core activities of CJGs.

3.4 Program funding

DJAG provides funding to CJGs for the development of justice issue strategies and reduction of Indigenous contact with the criminal justice system.

In 2010/11, the total grant funding pool for the program will be \$4.04 million. In addition to this grant funding pool, \$1.988 million is allocated for supplies and services, program staffing, training and administration costs across central and regional offices.

This funding supports 52 CJGs.

The spread of funding between CJGs generally ranges between \$97,000 to \$104,000 per CJG, however amounts allocated to the nine outer Islands of the Torres Strait range from \$3,000 to \$6,000. Funding covers the employment of a Coordinator for each group and expenses related to delivering their activities. The level of total funding for the CJG Program has increased since 2006, when total program funds were \$2.499 million and a further \$1.009 million was allocated for supplies and services, salaries for program staff and administration.

3.5 CJG establishment and membership

The number of CJGs has expanded since the program has transferred to DJAG. There is a mix of statutory and non-Statutory CJGs under the program around Queensland. In fact, there are now more non-Statutory CJGs than statutory groups under the program. DJAG advised as part of the consultation process that the increase in the number of CJGs is locally driven and is in response to requests by Indigenous community members to establish a CJG in their area.

Under the current program guidelines, for a group to be eligible for funding under the DJAG CJG Program, applicants must be a not for profit community organisation or an Aboriginal or Torres Strait Islander organisation incorporated or sponsored under a number of Acts and Local Government Authority. The guidelines detail that DJAG will support any group under the CJG Program established through broad community consultation and with community support for addressing criminal justice issues, and which meets the program's objectives as listed above. Activities may include:

- part or full time administration/coordination for CJGs;
- relevant training not available under general community programs or specific programs;
- networking activities related to establishing and maintaining information sharing, regarding dispensing justice and support to other CJGs in other geographic locations;
- community education activities regarding court processes;
- networking activities related to increasing collaboration with relevant government agencies; and
- limited financial support to establish and maintain an office for a CJG.

Membership of Statutory CJGs only is prescribed under section 20 of the *Aboriginal and Torres Strait Islander (Justice, Land and other Matters) Act 1984* and its Regulations. It is important to note that, as the Regulations currently stand, each of the Statutory CJGs have their own specific requirements around eligibility of membership, the numbers required to create a CJG, requirements around vacancy of a member position and the terms of membership.

Some consistent requirements prescribed by the Act include:

- the requirement to appoint a member must be formally made through Government Gazette; and
- that a member of a CJG must be of “good” community standing.

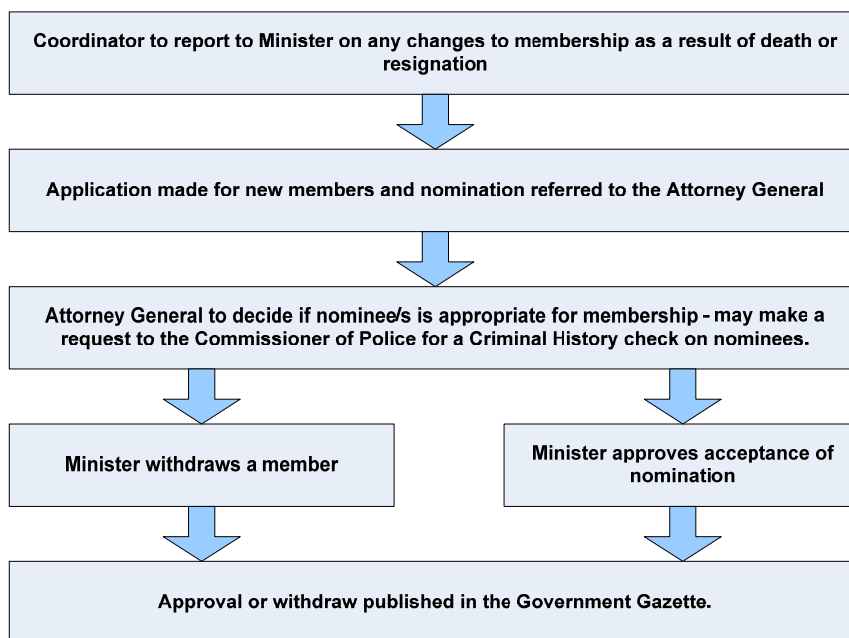
In terms of nominating people to be part of the CJG, each of the CJGs operate differently. There is a requirement however that all nominations are to be made to the Minister. Appointments to the CJG are given effect through Ministerial approval and notification in the Government Gazette. Likewise, a notice that a member is to be withdrawn from a CJG also has to be published in the Government Gazette.

In deciding whether a person is appropriate as a member of the CJG, the “Chief Executive of the Aboriginal and Torres Strait Islander Corporation” (which presently is the Attorney General) may make inquiries with the Commissioner of Police and request a written report of the person’s criminal history and a brief summary of such history. The Chief Executive must only request such information if written consent is provided by the person. If no written consent is given, their nomination or position may be withdrawn. The Commissioner of Police must provide the Chief Executive with such criminal history, however such written records pertaining to a person’s criminal history must be destroyed by the Chief Executive as soon as practicable after it is no longer needed for its intended purpose. The Chief Executive may delegate this power of investigation to a “qualified public servant officer”.

Such investigations must be supported by guidelines made by the Chief Executive and ensure the guidelines address those parameters under ss.21A (2) of the Act.

Although the process around the specifics of membership varies depending on the statutory CJG, the legislation sets some guidelines around the process for any changes to members, which are reflected in the diagram below.

Figure 2: Process for changes to CJG membership



Under the legislation currently, only some CJGs have time limits imposed on the duration that CJG Coordinators or appointed volunteer members can hold their positions. These are:

- Cherbourg- four years;
- Doomadgee – three years;
- Mornington Island – two years; and
- Palm Island – four years.

3.6 Performance reporting

Under the *Aboriginal & Torres Strait Islander (Justice, Land and Other Matters) Act 1984*, each CJG must prepare a report within 90 days after each reporting period to the Chief Executive in relation to all the activities that have taken place by the group. The report only becomes official if it is signed by the coordinator and one other member of the group. A “reporting period” is generally a quarter of a financial year.

The DJAG Service Agreement requires funded CJGs to return quarterly financial and performance reports to the agency. CJGs report against a number of performance indicators listed under the Service Agreement and cover:

- the number of referrals from the magistrate and submissions presented to the court;
- the number of communities or initiatives directly benefiting from the program, including the identification of statistics illustrating the reduction in arrests and court appearances;
- the reported community response to the performance of the justice group assisting offenders before the court;
- reports on the program from other Departments and community organisations;
- the number of community orders, mediations and other orders from the court undertaken by the community justice group; and
- cost savings to State government agencies generated by CJGs. (NB this indicator is listed in the program guidelines only)

To assist CJGs with their regular reporting, standardised templates are provided to the CJGs via a network of DJAG Regional Advisors. Definitions, dictionary of terms and counting rules guides are not included under the current program guidelines.

The current indicators require CJGs to report on their volume of activity, and there is an opportunity for CJGs under current reporting arrangements to provide qualitative information as part of their reports.

4 Key evaluation findings

This chapter documents the information and analysis collected during the evaluation of the CJG Program in relation to:

- program design, in terms of its strategic alignment with National and State policy priorities and the clarity of its objectives and functions;
- program performance, in terms of its quality, effectiveness and efficiency;
- workforce capacity; and
- program management.

4.1 Program design

This section examines the rationale for the CJG Program within the context of state and national initiatives in the area of Indigenous law and justice. The objectives of the CJG Program are identified and examined alongside key government policy measures and initiatives which serve to complement the role of the CJG in the pursuit of overarching government objectives.

4.1.1 National policy context

In recent years, the Commonwealth Government has invested significant policy and funding initiatives into Indigenous communities in an attempt to stem high rates of social and economic disadvantage, including rising rates of incarceration of Indigenous Australians.

The two most prominent agendas are:

- the *Closing the Gap* initiative; and
- the *National Indigenous Law and Justice Framework*.

Both the Framework and Closing the Gap advocate a national approach to addressing the serious and complex issues that mark the interaction between Aboriginal and Torres Strait Islander peoples and the justice systems in Australia.

Closing the Gap is linked to a wider reform of Commonwealth-State financial relations. COAG's national agreements and partnerships, in areas such as education, housing and health, have a clear focus on overcoming Indigenous disadvantage. It aims to reduce Indigenous disadvantage with respect to life expectancy, child mortality,

access to early childhood education, educational achievement and employment outcomes.

Safer Communities, Governance and Leadership is one of the building blocks in the Closing the Gap strategy. Although there are no specific targets and measures under these priority areas, identified under each are strategic objectives to:

- prevent and deal with criminal and other anti-social behaviours; and
- support community capacity and leadership development.

In addition, the Australian and State and Territory governments endorsed the National Indigenous Law and Justice Framework which represents the first nationally agreed approach to Indigenous law and justice issues providing a comprehensive response to the many issues that drive Indigenous disadvantage in law and justice. The goals of the Framework are to:

- improve all Australian justice systems so that they comprehensively deliver on the justice needs of Aboriginal and Torres Strait Islander peoples in a fair and equitable manner;
- reduce over-representation of Aboriginal and Torres Strait Islander offenders, defendants and victims in the criminal justice system;
- ensure that Aboriginal and Torres Strait Islander peoples feel safe and are safe within their communities;
- increase safety and reduce offending within Indigenous communities by addressing alcohol and substance abuse; and
- strengthen Indigenous communities through working in partnership with government and other stakeholders to achieve sustained improvements in justice and community safety.

4.1.2 State policy context

As a signatory to Closing the Gap and the National Law and Justice Framework, the Queensland Government funds a range of programs and other initiatives with the broad aim to reduce contact by Indigenous people with the criminal justice system.

These initiatives support broader Queensland Government's Tomorrow Queensland Q2 Goals and are integral to the Queensland Government's *Aboriginal and Torres Strait Islander Justice Agreement* which aims to reduce the rate of Aboriginal and Torres Strait Islander people coming into contact with the Queensland criminal justice system.

DJAG, together with other agencies such as QPS, ATSILs, LAQ and QH, co-funds a range of programs and initiatives to support vulnerable people who come into contact with the justice system, including initiatives such as the:

- Murri Court (now expanded to 17 – the largest number of Indigenous courts in any Australian jurisdiction);
- Drug Court;
- Queensland Indigenous Alcohol Diversion Program (QIADP);
- Special Circumstances Court;
- Trial Mornington Island Restorative Justice Project
- QMERIT (Queensland Magistrates' Early Referral into Treatment);
- Remote Justices of the Peace Program;
- Alternative Dispute Resolution; and
- Illicit Drug Court Program.

CJG members often, and at times informally, play a role in supporting offenders appearing across a range of these different courts.

In the recent past, key Government reports have also highlighted the role CJGs play in the justice system. DJAG has recently commissioned a *"Review of the Civil and Criminal Justice System in Queensland"*. The review focussed on the workings of courts and effective use of public resources and advocated for the delivery of a more efficient, fair and equitable justice system that was inclusive and culturally appropriate.

In 2009, Queensland's Crime and Misconduct Commission (CMC) released a report titled *Restoring order: Crime prevention and local justice in Queensland's Indigenous communities*, in response to the Queensland Government's 2007 request for a review of policing in Indigenous communities. This report indicated an increased future role for CJGs in the area of crime prevention and local community justice. The current objective of the CJG Program aligns with the intent of this report.

4.1.3 Strategic alignment of the CJG Program

In the broadest sense, the CJG Program aims to foster participation in the justice system and help reduce contact by Indigenous persons with the criminal justice system. It does this by operating within the courts system to bridge the gap between the traditional criminal justice process and the needs and cultural values of Indigenous

persons, as well as strengthening relationships with, and improving the effectiveness of, other justice system stakeholders.

These broad objectives are clearly aligned with, and support aims of, improving social and economic outcomes for Indigenous communities contained in the Closing the Gap strategy and the National Indigenous Law and Justice Framework as well as State objectives for Indigenous justice and community outcomes.

Under DJAG's Strategic Directions, the CJG Program aligns with the priority area of improving access to justice for vulnerable persons. The CJG Program affords DJAG the opportunity to integrate its work with other justice agencies, such as police and corrective services, in order to enhance overall agency effectiveness.

The CJG Program supports the *Review of the Civil and Criminal Justice System in Queensland* in responding to its key findings with respect to Indigenous justice in that core activities play a role to explain the court process and working with offenders to seek appropriate sentencing options across courts in Queensland.

Stakeholder consultations provided feedback which indicated CJGs can help with reducing bail breaches and upholding cultural values in court, and are an integral part of supporting offenders and victims throughout the court process. While the current data limits the ability of the evaluation to draw on quantitative evidence, stakeholders provided anecdotal examples such as CJG members being called upon to transport the offender to the court and/or to attend specialist program appointments so that they are not in breach of bail.

The evaluation noted that many Elders involved in Murri Court were also members of the local CJG.

The delivery of fair, accessible and culturally appropriate justice services is a commitment of the agency. The CJG Program's expansion to 52 groups addresses the challenge of servicing populations across the State and complements recent initiatives to improve access to justice for vulnerable people across the State. These include offering court process training, remote JP Courts training and expanding the Murri Court.

Given its broad objectives and the diverse service domains across which CJGs deliver core and optional services, the CJG Program traverses the primary domains of other programs and initiatives. It does this by addressing aspects of prevention and diversion, court-based offender support, agency coordination and performing a role in accessing treatment for the underlying causes of offending behaviour and treatment and counselling for victims. This may at times give rise to perceptions by stakeholders that there is a duplication of activity.

Stakeholders also generally agreed that broad program objectives for the CJGs and their interpretation introduced the possibility of confusing roles and responsibilities leading to duplicated effort. Some stakeholders identified duplication in relation to the activities of the CJGs and the Family Responsibilities Commission (FRC). Other stakeholders however, believed that the CJGs complemented, rather than duplicated, the activities of existing programs and other agencies, particularly in remote areas where a fuller range of services is not accessible.

The FRC

The FRC is a time-limited initiative which has been implemented in Aurukun, Coen, Hope Vale and Mossman Gorge as part of the Cape York Welfare Reform. While some stakeholders reported that they considered there to be some duplication of roles between the FRC and the CJGs, the evaluation has found that in most cases the two groups work well together and see their roles as complementary rather than conflicting. Under Section 14 (2) of the *Family Responsibilities Act 2008*, the Minister must ask the community justice group for the area, to nominate persons the group or groups consider suitable for appointment as local commissioners for the area. Another key issue around the FRC which was highlighted during the consultations is that FRC Commissioners receive payment for their services, including sitting for conferences and any official liaison or representation of the FRC within the community or to government representatives.

Stakeholders have identified that the professionalism displayed by FRC Commissioners would be desirable for CJG members. The FRC reports that this has been built up over time through careful program design and adequate resourcing.

The evaluation finds that the responsibilities of the FRC and the Commissioners are different to that of CJG Coordinators and members. For example, the FRC holds conferences with community members who receive welfare and who have been identified as failing to uphold social obligations around caring for children, sending them to school, abiding by the law, or abiding by public housing tenancy agreements.

The FRC can refer clients to support services to address personal or family issues which underlie these behaviours. The FRC also has the authority to recommend that Centrelink manage a portion of an individual's welfare payments. The responsibilities of CJGs are not akin with the responsibilities and legislative powers discharged by FRC Commissioners.

4.1.4 Clarity of CJG goals, objectives and functions

Program goals and objectives

The current program goal of the CJG Program is to reduce Aboriginal and Torres Strait Islander representation in the criminal justice system.

Stakeholders commonly observed that CJGs can reduce the number of Indigenous persons coming into contact with the criminal justice system. However this goal was seen as grand, unfair and not achievable for one program alone, particularly one which comprised mainly volunteers. Further, this evaluation could not clarify the effectiveness of the CJG Program in reducing the number of Indigenous persons coming into contact with the criminal justice system as there is limited client outcome data available.

This claim is supported by the research and the experience of other jurisdictions outlined in Section 2.2. While evidence of the direct impact on the rates of representation in the criminal justice system is not available, the literature review suggests that community based programs like CJGs can:

- contribute to an enhanced quality of life of the defendants who appear in that court;
- ensure the criminal justice system takes seriously the concerns and challenges facing Indigenous communities;
- educate the criminal justice system about Indigenous values; and
- help uphold traditional community values.

Government agencies were asked what the future goal of the program should be. There was support to continue CJGs working in and around the court process, with suggestions put forward that the program goal could be:

- contributing to reducing re-offending behaviour of offenders;
- providing court support to offenders and victims; and
- contributing to crime prevention in communities.

The evaluation notes that agencies nominated goals linked to either court work and crime prevention. There is an assumption that CJGs understand the range of crime prevention strategies (social and situational, developmental and early intervention, community development initiatives and criminal justice crime prevention), and it was unclear if agencies could identify which elements of crime prevention to which CJGs

should contribute. It appears that “crime prevention” is often used to umbrella a whole range of activity by Government, and currently, not many CJGs are funded to deliver crime prevention activities.

CJGs reported a range of responses to the question about their current crime prevention activities. The responses ranged from:

- “We do crime prevention, we talk to the offenders and try and get them involved in different programs so they don’t do crime, we want to stop them being arrested in the first place”
- “We work with organisation xx, and help organise regular youth nights or cultural camps to try and keep the kids out of trouble”
- “We don’t receive any funding for crime prevention programs and we want to run them” and
- “We do a form of crime prevention, for example we supervise community based orders, we work with police when they are cautioning people and we have a chat with them to try and stop them going on to be arrested, or sometimes the police call us to help mediate when there is a dispute between families to stop the family being arrested.”

The evaluation found there was a consistent commitment by CJGs to work with offenders and the wider community in the future to stop crime happening, however as evidenced by the range of responses above, CJGs can have different interpretations of what crime prevention is, and the examples provided were about working with offenders when they were already in contact with the criminal justice system.

CJGs were often unclear about the nature and causes of crime occurring in their communities, what crime prevention initiatives were working, can work and who they may need to work with as a volunteer group in the wider community to roll out crime prevention initiatives.

It was also not clear who in the CJG would facilitate and organise any of the activities given some of the Coordinator’s current workload and limited number of “active” or “available” members in the group. Stakeholders also expressed that, if CJGs were to have a further role in crime prevention, support to undertake these activities in forms of resources, skilling up and planning would be needed. CJGs and SWRG all expressed a willingness to be trained in this area.

It will be important to educate and train CJGs in what crime prevention is, how they can use the information/data collected through their court work to inform discussions as a group, with other community organisations and agencies such as QPS regarding

what activities they need to address to ensure the crime prevention initiatives are effective in communities.

The skills, capacity and number of available CJG members to implement crime prevention activities is a major factor that will impact on the effectiveness on future crime prevention and community based initiatives.

Key findings

While it is important to not lose sight of goals to reduce re-offending and incarceration rates in the Indigenous community, the evaluation finds the program goal is not achievable by the CJGs alone and cannot be measured under current performance reporting frameworks.

For the purposes of improving program management, service models and clarifying the future roles of CJGs, the evaluation finds the CJG Program goal should be amended to better reflect the true activity of what CJG members do, which is focused on supporting offenders and some victims, within the justice system.

Defining the term and type of 'crime prevention' will be important for future service activities of CJGs in communities. The evaluation finds that the skills and capacity of CJGs to work with other agencies, such as the QPS, to deliver the program firstly needs to be addressed before any consideration can be given to funding the groups to deliver crime prevention programs.

Legislative functions

The CJG Program operates by both statutory and non-statutory instruments. The evaluation considered whether the legislation provides a clear framework for delivery of the program, and whether Coordinators and CJGs understand the legislation and believe it to be relevant to their actual service delivery.

A review of the legislation suggests that it provides a sound, high-level framework for defining the purpose, functions and administration of the program. However, consultations with CJG Coordinators and members indicate that:

- the legislation is too broad and not specific enough to clearly guide their activities (including both activities they should include and activities they should exclude from their scope of practice);
- legislation is not referred to by most Coordinators to guide their day to day activities and to help them understand the role of the group, and Coordinators usually refer instead to the service agreement to guide their activity;

- CJGs performed a variety of roles in their communities, some of which are considered “non-core” under the current service agreement, some outside the provisions of the legislation, such as following up on child protection information for Child Safety officers or recognised entities;
- some CJGs reported that under legislation they would like some formalised processes through which people are compelled to engage with them for “mediation” after sentencing or when they return to the community after release from prison. This would allow CJGs to ensure that they are linked with support services, appropriate programs and support structures. (Currently, CJGs find that some communities do not engage with them for a range of reasons);
- there are different interpretations and differences of opinion held by justice stakeholders regarding whether CJGs are able to access QP9s in order to present a submission to the court;
- while Coordinators and members were generally aware of the protections the legislation affords them from recourse and liability, the process to appoint new members under the legislation was viewed as cumbersome;
- criminal history checks under the legislation acts as a barrier to CJGs recruiting new members to CJGs. While criminal history checks were supported in principle, the current application and approval process under the legislation was viewed as a barrier;
- criminal history checks also meant that some “reformed” offenders could not be members of the CJG, and this resulted in new and often “younger” members not being able to join the groups;
- some CJGs did not see why only some CJGs were statutory when others were not; and
- it is considered important that service agreements fully describe the funding expectations in a way which is consistent with the legislation.

Coordinators report that most CJG members are not familiar with the various pieces of legislation which are relevant to them. Coordinators were most likely to report that they had a good understanding of the legislation relevant to their role in alcohol management, however actual understanding of this was often found to be erroneous. CJG statutory members were often quoted as saying “that under the Liquor Act, we are the decision makers” or “our role puts us in conflict with members of the Council and community”. Locations where alcohol restrictions applied, stakeholders, including those local council representatives interviewed, indicated continued support for community based groups such as CJGs, to continue to have a “voice” about alcohol management in communities.

However, for the future, it was emphasised that improving the understanding of CJGs, Government and Councils in relation to their roles under the *Liquor Act 1992* was essential. The misunderstanding of roles had led to tension in some working relationships in the past, eroding broader efforts to address social issues collectively between stakeholders.

Most Coordinators do not conduct training for group members to familiarise them with the legislation. Reasons for this include that they are not confident of their own understanding, because they do not believe that CJG members would be able to understand the legislation or because it is not considered to be a priority. Most Coordinators were aware of the status and protection the legislation affords CJG member.

Government stakeholders generally viewed the legislative framework as being too broad, unclear and open to interpretation. In particular, several agencies consider that the role of CJGs under the *Penalties and Sentences Act* is unclear. The example stakeholders referred to most to illustrate this point was reference to the debate if CJGs should have access to QP9s or criminal histories to assist with the preparation of court submissions or cultural reports.

QP9s

QP9s are developed by the Queensland Police and outline the offence and the circumstances. In the court process, officers of the court from the prosecution and defence have access to the QP9. Access to QP9s is viewed as important to most CJGs, and some Magistrates and court based staff as it assists the CJGs with the development of their oral and written submissions to Court.

The evaluation found that most CJGs in practice access a copy of the QP9 via the defence and with the permission of the defendant, while a few CJGs choose not to access QP9s. Consultations with CJGs and stakeholders highlighted the following issues and responses regarding QP9 access:

Issues highlighted	Responses provided
Information about the offender is being released to non-court officers. Not all offenders tell the truth about the circumstances	Local members of the community view the recorded circumstances of the offence and do not rely only on the offender's version to develop court submissions
CJGs do not hold offender files in secure cabinets therefore client confidentiality is at risk.	CJGs acknowledge that client information is confidential and try to store files in a confidential office space. The argument about "security" of documents is more about resourcing proper office space for CJGs.

Issues highlighted	Responses provided
<p>Allowing another party to access QP9s can create a "second prosecution" or "second defence" situation in the court.</p> <p>CJGs are not officers of the court and it is not their role to "put a view" on the facts of the case to the court.</p>	<p>The final decision- maker on sentencing in courts is the Magistrate. The Magistrate determines if such situations are arising in their court.</p> <p>The role of CJGs in the courts process is outlined under the relevant Acts. CJGs are there to provide additional cultural information in their submissions that assist the Magistrate with their sentencing decisions.</p>
<p>CJGs generally know the offender (and/or victims) so they do not need access to the QP9</p>	<p>Not all offenders are known to CJG members. Offences can often occur in other communities, so the offender may not be known by the local CJG. This makes it difficult then for CJGs to prepare a submission. The QP9 can help the CJG prepare cultural advice for the Magistrate.</p>
<p>CJGs provide cultural reports in court so do not need to know the circumstances of the offence</p>	<p>CJGs require knowledge of the offence so they can base their cultural advice and recommendations to the Magistrate for consideration for what programs or assistance could assist the offender reduce their criminal activity in the future.</p>

While the preceding table records the commentary of stakeholders regarding QP9 access, minimal feedback was provided on access to other criminal history and information, although the CJG SWRG indicated CJGs require access to QP9s and other criminal history information of the offender to develop submissions for court.

While the *Penalties and Sentences Act* lists what CJGs are to provide in court, the evaluation researched the experience of other jurisdictions in the area of access to QP9s or similar type documents. There is limited public information and discussion about access by CJGs or similar groups, however, the evaluation team was informally advised that in NSW, CJG members often do sight documents produced by Police if they require it while preparing their submissions to court. It was understood by the courts and CJGs that without knowledge of the offence or offences, gained through viewing information from a document such as a QP9, it is difficult for CJG representatives to put alternative sentencing options and advice forward for the consideration of the Court.

This evaluation has analysed the issue of access to QP9s from a policy and practice perspective.

The qualitative evidence from stakeholders indicated that in practice, currently some CJGs are accessing the QP9s and some are not. On balance the evaluation has found that consistent access to QP9s by all CJGs would improve the quality and effectiveness of their court based functions.

Understanding of the legislative framework

Stakeholders including Probation and Parole, Court staff and Corrective Services almost universally reported that they had an understanding of the underpinning legislation for the CJG Program because they work alongside CJGs and refer to the provisions of the relevant Acts as part of their work. These staff also demonstrated their understanding of the legislation in interviews conducted as part of this evaluation. Local Councils usually reported an understanding of the legislation relevant to alcohol management, however this too was often found to be erroneous. Police usually reported a good understanding of the relevant legislation. Most stakeholders reported that they did not consider the legislation to be relevant to their work or interaction with the CJG at a community level.

Furthermore, most stakeholders identified the legislation was considered symbolic as it offers CJGs validity and status in communities, but this had in turn also contributed to ongoing tensions between local councils and Statutory CJGs. It was noted that only some CJGs have statutory status, and that this evaluation presented an opportunity for the "statutory versus non-statutory divide" to be addressed. The value of addressing this divide was directed at ensuring all CJGs had consistent core roles, functions and service across the State. Generally stakeholders considered that in the discrete communities where alcohol restrictions were in place, these CJGs should continue to have an additional role under the *Liquor Act 1992*.

Core Functions of CJGs

Section 3.3.1 detailed the CJGs' core functions under their current service agreements. Stakeholders and CJGs identified the following activities as the current "core" activities of the CJGs:

- conduct pre-sentence interviews with offenders and sometimes meet with the victim;
- review relevant information such as the QP9s;
- research and identify relevant programs for the offender (if applicable) and draft cultural reports/written submissions;
- transfer/transport offenders and/or victims to court so they cannot be breached for not attending court;

- CJGs Coordinators often collect Elders for court days from their homes and transport them to the courthouse;
- monitor offenders on community based orders and liaise with local probation and parole officers regarding an offender's location and progress;
- network with other NGOs and attend interagency meetings as required;
- prepare information and liaise with the auspicing organisation (where applicable);
- organise and participate in prison visits, provide support to prisoners upon return to the community;
- assist community members with the completion of personal forms;
- attend to offenders in the watch house, act as observers in police interviews if required, attendance, Youth Justice Conferencing and at times, working with clients when they are "first cautioned" by police
- mediate disputes between families and individuals as requested to try and reduce the likelihood of criminal justice system contact; and
- follow up child protection matters and provide information to Child Safety officers or offices from local recognised entities.

A consistent message CJGs conveyed to the evaluation team was all CJGs were often a "conduit" or "referral point" for offenders to other community services that could assist with addressing underlying factors contributing to their crime. CJG members stated "we can act as a central point at the court house for the offender to go and get some help" or "we know the programs being run by Indigenous people which would be good for the offenders so we act as a referral to these services".

Although some CJGs went a step further and suggested "they also should be delivering the targeted programs", most indicated that amongst the group the necessary skills, capacity and time volunteers have available to work with offenders in the groups would prevent the CJG being effective in delivering and administering the programs. Therefore, more CJGs stated "they didn't want to run the targeted programs for offenders, but the programs should be funded in the community". The evaluation found that it was often the lack of targeted programs available that impacted on the options the CJG could include in reports to court and/or offer offenders in their community.

Non-core functions

CJGs can decide to conduct additional “non-core” activities under the current DJAG service agreement. The activities selected by CJGs can differ between groups, but must also deliver outcomes associated with the program core activities listed above.

Examples include:

- facilitate programs for victims and offenders;
- supervise or ensure offenders are participating under their Community Service Orders and contacting/attending meetings with probation and parole officers;
- follow up on child protection enquiries on behalf of the agency and/or recognised entity;
- visit prisons and detention centres;
- assist with various applications including Birth Deaths and Marriages, Queensland Housing, Public Trust Wills; and
- provide support to offenders by attend Police interviews at the Police Station

Some CJGs felt strongly about which non-core activities the group does not want to do. Supervision of community service orders was one example provided by one CJG who stated “we don’t tick this box” under their service agreement, while most other CJGs were happy to work with Corrective Services in this area including prison visits and supporting prisoners upon release.

Some CJGs advised “there are already existing services funded in community to undertake this activity”, and the “lack of training and availability of volunteers in the group to deliver the activity” were reasons for the group not wanting to sign up to non-core activities under their current service agreement.

Other examples of non-core activities CJGs indicated they cannot deliver include drug and alcohol counselling, sexual assault and domestic violence counselling, alcohol and drug counselling. Again, the evaluation was informed that the majority of CJG members do not have the available time and skills to address complex anger, trauma, addiction and behavioural issues of community members.

Similarly, CJGs indicated that, at times, CJG members were contacted by QPS to provide support to an offender either in the watch house or during a police interview.

Broadly, CJGs indicated that, while visiting cells is listed as part of their work with offenders who had been charged, it was not a frequent occurrence. CJGs in the larger

centres where a formal cell watch program was funded, designated on call staff were available to the police. CJGs and stakeholders in these locations indicated their support for the current arrangements.

However, in more remote locations, where operating cells may not exist, the evaluation was advised that, on occasions, CJG members are asked to travel to another community to support an offender in the watch house outside court sitting days.

It was difficult to determine how often this situation occurs from interviews with both local QPS and CJG members and their performance reports, however CJGs and the SWRG both raised that in remote locations, being asked by a family member or by the QPS to support an offender who has been brought into a watch house and may require additional support, may mean travel to another community and that the CJG member would incur some personal costs associated with travel to the watch house.

CJGs also indicated that often they “were the first point of call” in the community for Government agencies either trying to get in contact with a person or family, or requiring some information about a matter in the community. Child Protection matters were a common example cited. CJGs could not advise how often or how many of these contacts occurred, but indicated it was frequent enough for the evaluation to identify a theme occurring particularly in the Far North Region.

In relation to these activities, feedback from CJGs and other stakeholders suggests that:

- non-core activities put an additional workload on CJG Coordinators and members, and can lead to a reduced capacity to perform core activities;
- the inclusion of non-core activities raises the expectations of Government around what all CJGs are funded and trained to do;
- CJG members and coordinators feel a sense of responsibility to provide ad hoc and broad ranging assistance to community members, however this sometimes leads to dilution of resources provided for the core activities under the service agreement;
- the volunteer members, and often the coordinators, have not had appropriate social welfare training and support to work with clients with complex needs;
- the lack of services in remote communities, and subsequent lack of referral points, means that CJGs sometimes feel an obligation to take on responsibilities which are not part of their core business and which they are not funded (by DJAG or other agencies) to undertake; and

- although some CJGs have the capacity to identify, access and administer additional funding which could support the delivery of additional non-core activities, many others do not.

The non-core activities also pose challenges for the effective administration of the program. DJAG reports that they have little understanding of what activities the CJGs undertake, the resource and time impacts on the CJG Coordinator and the quality (that is appropriateness and accessibility) of the service being provided.

Though some attempt has been made to “capture” non-core activities under the service agreement by DJAG, performance reporting data does not provide the DJAG with any useful understanding of the timeliness, quality or volume of activity of the CJGs.

As part of this evaluation, a mix of CJGs that represented statutory and non-statutory, metropolitan, rural and remote locations were consulted. It is apparent there are consistent “activities” all CJGs are delivering, however variables such as local community services gaps, frequency and volume of courthouse clients, existing services and availability of active membership impacted on the workload of CJGs. The following table represents a summary of variations which impact on CJG workload.

Variables	Metropolitan CJG (Includes Brisbane and surrounding areas, and all eastern seaboard CJGs)	Regional CJG (Includes Toowoomba out to North West communities of State)	Remote CJG (Includes all Statutory CJGs, and CJGs based throughout Torres Strait)
Number of courts in operation	✓	✓	x
Significant number of court days	✓	✓	x
Significant number of offenders/victims over a month seen because of courts and services in location	✓	✓	x
Lack of active membership	✓(some)	x	x
Significant number of prisons surrounding location	✓	✓	✓
Significant number	x	✓	✓

Variables	Metropolitan CJG (Includes Brisbane and surrounding areas, and all eastern seaboard CJGs)	Regional CJG (Includes Toowoomba out to North West communities of State)	Remote CJG (Includes all Statutory CJGs, and CJGs based throughout Torres Strait)
of persons on non-custodial conditions			
Declaration of dry places/advising on alcohol management	x	x	✓
Attendance at meetings/networking with other services	✓	✓	✓
Existing funded cell watch program	✓	✓some	x
Existing funded Child Safety/Recognised entity	✓	✓some	x

Key findings

The evaluation finds that:

- The CJG Program is aligned with relevant strategy and policy with respect to improving Indigenous justice outcomes for Indigenous persons.
- CJG activity traverses the primary domains of other related agency activity and justice programs and requires clear and unambiguous objectives, roles and responsibilities.
- The inclusion of a list of core and non-core activities under the current service agreement is confusing and raises expectations amongst stakeholders that CJGs are able to effectively deliver and are funded for a wide variety of tasks.
- CJG members are often called on to fill a service gap, for example in remote areas, in areas such as cell watch, child safety and corrective services particularly when there are no existing funded cell watch, child safety and/or recognised entities, probation and parole, prison transition officers in the community.
- Broad objectives and their interpretation gives rise to potential confusion around the respective roles and responsibilities of CJGs vis a vis other agency activity and

also raises expectations of the level of skill and time availability CJG members have to do the task with.

- The core objectives and functions currently outlined in the service agreements are consistent with the legislation. However, there is a sufficient lack of practical understanding of the legislation, confusion and, in some cases, blurred roles and responsibilities that make it difficult to support a finding that the current program design facilitates high quality delivery of services.
- Criminal history checks of new CJG members is important to ensure the standards of membership of groups are upheld, however the checking and approval process could be streamlined under revised program guidelines managed by DJAG.
- Revised criminal history check guidelines should be developed with an option for CJGs to nominate persons with previous criminal history that may now be considered “spent” under other purposes. This would encourage new members and provide CJGs with an opportunity to broaden and revise membership.
- CJGs should have access to QP9s as this will improve the quality of court submissions made by CJGs in court.
- The future funding model for the CJG Program should take into account that CJG members are called on to undertake cell watch related activities outside of court days in some remote locations and this has an impact of their petrol costs and time.
- If activities that are requested of CJGs outside the DJAG agency role (such as prison visits, prison transitions support, support for community based service orders and follow up on child protection matters) are retained as part of their functions, they should be identified as activities that sit outside the core service agreement DJAG has with CJGs.

4.2 Program performance

This section assesses the performance of the CJG Program. The CJG Program is assessed in relation to three dimensions of performance: the *quality* of services provided by the program, the *effectiveness* of the program in terms of the extent it is achieving its objectives including meeting stakeholder needs and the extent to which the assessment of effectiveness implies scope for improving how *efficiently* program inputs are converted to outputs.

In applying the methodology, KPMG encountered significant problems in obtaining accurate quantitative data measuring program outputs and client outcomes. The evaluation was provided with financial and performance data from 32 out of the 52 CJGs. This information was variable in its completeness, quality and consistency. This

has severely constrained the evaluation's ability to undertake an efficiency analysis and prepare quantitative evidence to support findings on program performance.

4.2.1 Program quality

It is apparent that there is a high degree of variability in the way CJGs perform their functions. This is in part driven by the volunteer base of the program, location, client volumes, availability of complementary services and court type CJGs work with. However, there is also a gap in the perceptions by the CJGs in terms of the quality of assistance and those of stakeholders which are typically less positive.

The functions of CJGs most likely to be reported as being performed at a high level of quality are attending Court, ensuring people attend Court and providing support to people on Court day.

However, some Magistrates report that even the performance of these activities can be inconsistent. Examples provided included repeated requests for CJG members to submit written submissions to court. Only sometimes would this request be met, and CJG Coordinator/s were not always attending on court sitting days. Other core functions, including working to reduce over-representation by delivering diversion programs, are more likely to be perceived as poorly performed by CJGs, although again this is inconsistent. Stakeholders commented "they're not funded to deliver prevention programs, they are mostly volunteers" to "I think there is only one position funded and they work around the court process", while others commented "they may find it difficult to administer a program on a day to day basis because of the limited number of active members in the local CJG".

Court staff generally report CJGs play an important role in Court proceedings, and contribute to an efficient and effective process. Common activities include providing transport for offenders and victims, providing support for family members, acting as liaison between community and ATSILs, and providing verbal or written reports to the Court. Court staff report a significant variance in the type and quality of services and support provided by the CJG, and particularly a variation in how much contribution is by CJG members rather than only coordinators.

To a lesser extent, CJGs are found to be providing supports and services which are likely to reduce recidivism through supporting people who are incarcerated and upon release. Examples of this include:

- attending NAIDOC week festivities at prisons;
- organising a video conference and other family contact for community members away from the community due to being in prison;
- supporting people who return to community from prison;

- helping people to convert SPER fines (which are difficult to pay) to community service orders; and
- participating in community based events such as BBQs, sport and recreational events.

4.2.2 Program effectiveness and efficiency

The generally accepted view of stakeholders is that most CJGs are able to provide some form of assistance to people when they come into contact with the justice system through supporting offenders, victims and families through the court process and ensuring that relevant cultural and community factors are taken into account during sentencing. The evaluation collected case studies to give weight to qualitative evidence stakeholders provided about the CJG program effectiveness and the type of role they can play in court and communities. The case studies are attached at Appendices G, H, I and J.

The evaluation was provided with up to 32 CJG Financial and Performance Reports to analyse. This analysis was intended to help DJAG appreciate the extent to which CJGs are able to satisfy the established program objectives, within the parameters of the current funding agreements, in an efficient and effective manner. In addition, it was intended that this review would highlight the key cost pressures faced by the CJGs in the delivery of core and non-core activities, and how these costs may vary in line with the operational characteristics of the groups and the communities in which they operate.

In order to develop a sound understanding of the sufficiency of current funding levels and the effectiveness of the various CJGs in delivering services, a thorough analysis of expenditure patterns was undertaken. A focussed review of annualised acquittal statements sought to highlight the total level of individual CJG expenditure and how this was broken up into the following components:

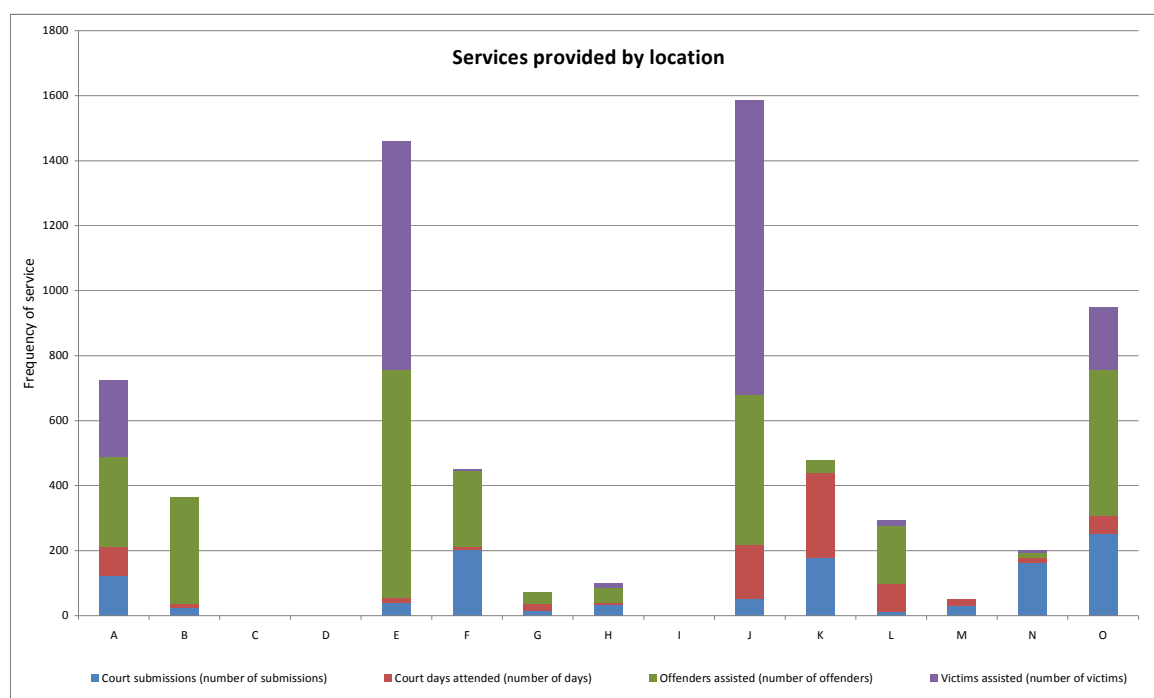
- Salaries
- Rent
- Motor vehicle expenses
- Client related costs / brokerage
- Travel
- Training
- Capital.

Where practicable, the observed level and composition of expenditure was aligned with the performance data for the corresponding reporting period. It was hoped that this review would help to establish a benchmark level of performance with respect to operational efficiency and resource allocation, further highlighting where inefficiencies may exist and where additional resources may be required.

Theoretically, this analysis would help to inform DJAG in making future funding decisions and support the targeted expansion of services, based on an informed assessment of need and the likely cost of satisfying that demand.

Figure 3 below provides an analysis of CJG performance data drawn from the same sample of 15 CJGs that provided financial and performance data in 2009/10.

Figure 3: Summary of CJG performance data 2009/10 (Sample of 15)



The data implies there is a significant degree of variation in CJG Program output across locations. For example, the number of offenders supported ranges between 16 and 702, the number of victims supported between four and 702, and the number of court days attended ranges between eight and 260.

Some of this variability can be explained by recording errors and other external drivers of activity referenced in the previous section. However, the significance of the variability observed in the data, coupled with the views of stakeholders and KPMG's observations, suggest there are other factors driving this variability and inconsistency across locations likely to be limiting the overall effectiveness of the program.

The poor quality of the available data and comparative benchmarks limits the use of unit costs as a reliable measure of program efficiency. This could indicate that some CJGs more effectively use complementary services and supports that enable a larger number of offenders to be supported at a lower cost. However, there may also be differences in the interpretation of what constitutes 'support' for an offender.

By extrapolating the median number of offenders supported by the sample 15 CJGs to the total program, the 52 CJGs have supported over 4,000 Indigenous offenders³⁵ in 2009/10. The number of offenders supported by the CJG Program in 2009/10 represents approximately 25 per cent³⁶ of all offenders who identify themselves as Indigenous.

The evaluation has undertaken this exercise to highlight the inappropriateness of the existing data for the purposes of establishing the efficiency and effectiveness of the CJG program. This table can be viewed at Appendix F.

Key findings

A limited number of CJGs have provided meaningful service delivery or financial performance data. The service data provided only measures the throughput of each CJG without providing a link to the objectives of the program (i.e., reporting requirements / KPIs do not align with or drive outcomes). The manner in which CJGs record service data also varies considerably from group to group (differences in the volume of activity are not representative of the size of the group or the location / community in which they operate).

Various CJGs appear to undertake differing functions, which makes direct comparison of service performance (or volume of activity) unreliable. The cost of service delivery cannot be linked in any meaningful way to the individual services delivered;

The quantitative data that is available (although extremely limited) lends support to the views of stakeholders and observations by the evaluation team that program quality and output varies considerably. It is unlikely that the extent of this variability can be explained by a response by CJGs to external drivers influencing volume and approach. This observed variability gives rise to quality concerns, limits the overall effectiveness of the program and provides scope for improving program efficiency. The following

³⁵ Utilises the median number of offenders supported based on 15 GJG 2009/10 funding acquittal returns extrapolated for the remaining 37 CJGs for which no data was available and added to the total offenders reported by 15 CJGs 2,762 + (44 * 37). The same method is used to estimate the number of victims.

³⁶ Estimated resident Indigenous population in Queensland 146,400 (ABS Census data 2006)
<http://www.abs.gov.au/ausstats/ABS@.nsf/e8ae5488b598839cca25682000131612/14e7a4a075d53a6cca2569450007e46c!OpenDocument> (Census 2006). Rate of Indigenous offending in Queensland 11,000 offenders per 100,000 head of Indigenous population over 10 years of age. (146,400 / 100,000) * 11,000 = 16,104
<http://www.abs.gov.au/ausstats/abs@.nsf/Products/ADCB38752684A9AECA2576E9001BC188?opendocument>

section considers some of the underlying factors that are likely to be contributing to these findings.

4.3 Capacity of CJG Coordinators and members

The skills and capacity of the CJG Coordinators and the CJG members are important to the achievement of the program objectives and the effective delivery of their functions. This section outlines the evaluation's findings in relation to the capacity of the current workforce.

4.3.1 CJG Coordinators

Review of the activities under the Service Agreement highlights a mix of administration, planning, financial, organisational, liaison and networking skills are the attributes most required in the funded CJG Coordinator position.

The skills and competencies of the CJG Coordinator are pivotal to the success of the implementation of the program in the community, and the maintenance of the relationships between the group, Courts, Government agencies, local authorities such as Councils, Police and other non-government services. Stakeholders reflected often that the professionalism and attributes of the Coordinator set the tone for the group.

CJG Coordinators displayed highly variable levels of professional skill and capacity to effectively administer the program. This claim is evidenced by the quality of performance reports compiled by Coordinators sighted by the evaluation, feedback from stakeholders, and interviews with Coordinators. While some are responsive to contact and follow up, some are not, and while some Coordinators have relevant training and administrative experience, others do not. To address this skill gap, DJAG in partnership with TAFE provided a Certificate IV in Business (Governance) to 35 Coordinators and (CJG members) completed in 2010. However, despite these efforts, stakeholders who work with CJGs report that the quality of service delivery remains inconsistent. The evaluation found:

- some CJG Coordinators were performing at a very high professional standard and are well networked into their local council and social services networks;
- a lack of orientation and ongoing training and development opportunities for Coordinators where standards of service could be reinforced has contributed to some Coordinators not adhering to the expected standards and behaviours of the position over many years;
- the financial and performance reporting skills of the CJGs have been found to be limited, for example for last financial year, only one quarter where all "reporting" CJGs submitted reports;

- remuneration and conditions offered to CJG Coordinators, in some communities (mainly remote), means that CJGs are unlikely to attract highly qualified and skilled applicants;
- many CJGs identified the lack of suitable accommodation, office space and facilities and a lack of vehicles (particularly in remote areas) as issues which made their jobs difficult and probably undesirable to others;
- personal or religious beliefs often framed some Coordinators' approach to offenders and working relationships in the community;
- the majority of Coordinators reported that they regularly work more than their paid hours per week; and
- some coordinators expressed concern about succession planning and the difficulties the CJGs face if the coordinators want to go on holidays and/or have sick leave as the groups are only funded for one position.

While factors such as court days and numbers of offenders impacted on the workload of Coordinators delivering on the core functions of the CJG, it was evident the volume of court preparation varied between Coordinators and their associated workload under the core activities of the Service Agreement.

The evaluation received feedback from Coordinators about the variables in their work and how long it took them to complete different tasks. Following are some responses received:

- "Depends on how many offenders and the complexity of their circumstances will determine then how many hours I will spend preparing the submissions for court."
- "Generally it takes up 2-3 hours to write up a submission but it depends, sometimes we have to go to the police station, and then sometimes we help them fill out forms."
- "Sometimes you spend more time with an offender and maybe even the victim to talk with them about what is going on, and they might appear back in a court a few times."
- "You often end up speaking and following up an offender a few times, particularly if the court has ordered them to go to some programs. You might have to help the program find them, or find out where they are by talking to their family."
- "We try to meet with all the offenders before court, so the members and I might spend 15 minutes to 30 minutes talking with them on the day."

- “We have to organise the board meetings and then to do the reporting, organise the budgets and then attend agency network meetings or other community meetings.”
- “We organise the prison visits so this is everything from talking with Corrective Services, to talking with the families, to organising transport and then travelling there and back.”

It was clear that often CJG Coordinators rely on “a few active” volunteers of the group to assist them complete their work. Some appeared skilled at “leveraging” support from other community agencies, while for others it was not clear how they work and communicate with other agencies to provide support and follow up to offenders and victims.

Salary and succession planning

The evaluation reviewed the salary levels of Coordinators from the financial acquittals and there are variations between the levels of pay each Coordinator receives. Such variations occur because of the decisions of CJG governing boards and the members. The evaluation understands the Coordinators are employed under the Queensland Community Services and Crisis Assistance Award.

The evaluation collected little evidence of succession planning from the groups, however succession planning was a concern of most of the CJGs including the SWRG. The funding of only one position makes it difficult for a Coordinator to take recreation leave, to skill other members up in their duties and manage workloads associated with managing volunteers, court functions such as preparing submissions, interviewing and following offenders up, either appearing before court or on community based orders as well as manage the governance of the CJG group.

For CJGs based in metropolitan areas, where a variety of different courts occur, the CJG Coordinator can be working with offenders nearly every day of the week. The evaluation finds that succession planning is important to the future sustainability and quality of the CJG Program.

4.3.2 CJG members

The skills and capacity of the CJGs vary significantly, which is common for a volunteer workforce. CJG members reported that limited training to build their skills is provided centrally, and this is not incentivised. DJAG has hosted governance and courts based training to CJGs over the past three years in an attempt to skill CJGs, however DJAG staff do not reinforce the learnings from the performance reporting regularly.

Examples include:

- DJAG Regional staff not utilising the receipt of poor performance activity information as an opportunity to hold discussions and mentor the CJG Coordinator to improve their performance or their administration and reporting processes.
- There is currently no established local mechanism by which other justice stakeholders such as Magistrates, ATSILs, QPS and DCS can meet with DJAG Regional staff and CJG Coordinators and discuss barriers to working together, operations to address any emerging performance issues with CJGs and resolve the matters.
- The SWRG is not being provided with feedback from DJAG on the performance of CJGs regularly, so discussions about continued lack of non-compliance with reporting and expected standards of service delivery are not part of normal discussions about the management of this program.

Many CJG members have important skills and knowledge which they employ currently including in-depth understanding of their communities, history and culture and many years of experience in working with and for their communities to address social issues and inequities.

CJG members are often highly respected people within their community and maintain other leadership roles including as recognised Elders and members of other organisations and boards. Most members had a range of other obligations they were juggling in order to carry out work for the CJG and most echoed concerns about future membership of the groups.

Like any volunteer group, CJGs are impacted by the availability of members, members waiver in their level of activity and often have other obligations to their families and workplace, therefore they are not always able to contribute to all activities. CJG members often do not hold formal social welfare, counselling and health qualifications so requests to deliver family violence meditation, and personal counselling to address drug and alcohol addictions of clients were sighted as examples by CJG members of activities they could not perform.

CJG members desire access to training opportunities, particularly to mediation training and the legal system, so they can improve their communication with offenders and victims around the justice system.

The evaluation found DJAG has made steps towards embedding a culture of training the CJGs. Due to funding constraints, it appears it has been difficult for the agency to offer regular training to CJGs. Offering adequate induction and ongoing training are two ways of recognising volunteers, according to Volunteer Australia.

Membership

Membership of the Statutory CJGs is prescribed under section 20 of the Act (See section 3.2.1) and is detailed further within each of the 19 Schedules contained in Part 3 of the Regulations. It is important to note that, as the Regulations currently stand, each of the Statutory CJGs have their own specific requirements around eligibility of membership, the numbers requirement to create a CJG, requirements around vacancy of a member position and the terms of membership.

The evaluation has found that some Coordinators and CJG groups refer to the Regulations around group membership, but others do not. Some reasons for this include:

- Coordinators have enough difficulty maintaining a small, active membership base and are usually unable to engage the number of people specified in the Regulations; and
- CJG members do not understand the formalities of the requirements and are more likely to engage or disengage informally, and sometimes 'naming' people from their family to replace them at time when they are unable or unwilling to participate.

Another issue raised during consultations was the strict requirements relating to previous criminal history. In small communities, where many people have at some time been charged (often with fairly minor) offences, it can be difficult to identify suitable people under the current membership requirements. Many stakeholders advised that some people in the community who do have criminal histories, and are therefore excluded from participation, could in fact be valuable contributors to the CJG.

The specific requirements laid down in the Regulations are a useful way to ensure that CJGs do not become dominated by one family or clan group in any community. While it true that for some communities such rivalries and factionalism can be extremely destabilising, it also true that communities are often apt at overcoming these issues themselves.

The specificity of the Regulations, and the lack of group engagement in many communities, mean that Regulations can act as a barrier to effective and high quality service delivery at times. For example, some coordinators report that they rarely achieve a quorum at meetings, and that this prohibits implementation of planned actions.

Throughout the evaluation, the terms "active" and "non active" were used by all CJGs to describe a core group of available and skilled volunteers who participate in their group's work, while there were other members who, for a variety of personal reasons, may not be able to contribute as much time to the group's activities.

This results in some members doing “a lot” and some doing “nothing” and in extreme situations “conflict and fights” between CJG members and the community and the sponsoring agency, DJAG, not fully aware of who is a member of the group.

While the nature of volunteering will result in members of volunteer groups not always being able to deliver services regularly, if roles are assigned to the CJGs, the probability of this role being serviced regularly and at an appropriate standard by a volunteer is a question that should be considered when roles are being assigned to the CJGs. The other issues raised by CJGs and stakeholders impacting on CJG membership included:

- Age of the members – many are “elderly” and are “not well”.
- Changing demographics in community – many “young” people are no longer staying or returning to the community.
- Changing expectations in the community – community members should be paid for their work and part of “shifting from welfare mentality and that Indigenous people do everything for free” to “being proud of getting a job in the community and keeping it”.
- Impact of criminal histories – means groups feel they cannot recruit former offenders who are reformed but are still looked up to in the community and would “be really good at working with the young people about why not going to school and getting into trouble is a bad thing”.
- Perceptions in the community – that the CJG is out of touch, and does not fully represent the community.
- Clarity about who is a member – some stakeholders and CJG members indicated they were not always clear about who was a member.
- Length of membership – some stakeholders commented that some CJGs have had the same members for “a long time” and renewal of membership was not occurring.

The evaluation notes that considerations about future membership are often followed by commentary from CJGs and stakeholders regarding the issue of remuneration. While some CJGs and stakeholders advocated that “by only offering payment” can future members be recruited to continue the CJG Program, the evaluation found the majority indicated the following issues should be considered if remuneration for members was to be paid (for appearance in court) and for other work members may perform on behalf of agencies:

- **Objectivity** – CJG members are perceived as independent and objective by offenders and victims as they are “not being paid to help them or being paid by the Government”. Volunteering and working for the community provides CJG members with a neutrality and respectability in the community.
- **Balance between reimbursement for personal costs versus volunteer work** – suggestions proposed were that no CJG members should “be out of pocket” for assisting Government agencies, so one way the remuneration issue could be addressed in the future is by implementation of a system where members can be reimbursed under the service agreement for costs such as petrol, transport tickets, and other incidentals they incur in their capacity as CJG members.
- **Level of remuneration** – the level of remuneration was not consistent, some CJGs advocated same payment as the current FRC Commissioners or Government Board members, although these scenarios and levels of responsibility are different, while others were mindful that remuneration level should not affect the social security arrangements some members may have in place.

Key findings

The evidence indicates that there is a high degree of variation in relation to skills, capacity of the CJG Coordinators and members. CJG members desire access to training opportunities, particularly to mediation training and the legal system, so they can improve their communication with offenders and victims around the justice system.

The evaluation found DJAG has made steps towards embedding a culture of training the CJGs. Due to funding constraints, it appears it has been difficult for the agency to offer regular training and follow up to both established and new CJGs.

Barriers to membership were found to exist, including the current rules regarding criminal histories and the lack of turnover in membership. Improvement to the membership appointment process will be important to attract new members to CJGs in the future.

The quality of services offered by some CJGs is affected by a lack of ‘active’ members.

4.4 Program management

4.4.1 Program governance

The State-wide Community Justice Reference Group (SWRG) is a partnership between DJAG and representatives of the CJGs. The SWRG comprises 16 elected representatives of CJGs located throughout urban, regional and remote Queensland with either statutory or non-statutory functions. The state has been divided into eight regions with each region electing two representatives. SWRG members maintain membership for two years, however, once their tenure has expired they can be reinstated unless their region elects a new representative. SWRG members are obliged to attend two SWRG meetings in Brisbane per year as organised by DJAG. Under the current terms of reference for the SWRG, there should not be more than a ten-month gap between these meetings and additional special SWRG meetings can be with written notice or convened by the Attorney-General of Queensland or Director-General of DJAG. Further, members may also be invited to attend further meetings or other group or sub-committees beside from the SWRG meetings.

As maintained by the SWRG Terms of Reference, the purpose of the SWRG is to:

- enable Indigenous input into the ongoing implementation and monitoring of the *Queensland Aboriginal and Torres Strait Islander Justice Agreement*;
- provide a mechanism for the provision of the Indigenous advice to government on justice issues;
- advise on developing and coordinating efforts by government and local communities to reduce the number of Aboriginal people in contact with the criminal justice system;
- identify and advise on issues effecting Indigenous people, as victims of crime and offenders, and provide options on how to deal with those issues;
- monitor and assist in developing local initiatives which address criminal justice issues, including those aimed at preventing crime and encouraging Indigenous self management;
- contribute to the State Government priority of strengthening Queensland communities through "safe and more secure communities";
- contribute to Partnerships Queensland priorities of delivering to Indigenous people "strong families, strong cultures, safe places, healthy living and skilled and prosperous people and communities."

Effectiveness

This evaluation notes the SWRG rated its effectiveness at 25 percent as “nothing really changes at ground level”. This observation of the SWRG’s response reflects stakeholder feedback that the group does not focus on “operational/on the ground process and delivery” issues. Analysis of the group’s responses and previous agendas, identified that the SWRG discussions are often directed around broader Indigenous justice policy and advocacy matters. While this may be consistent with some of the terms of reference, the impact of this is:

- high level policy matters are discussed but often not resolved in a timely manner as they often cut across other agencies jurisdictions, and/or outside the scope of the CJG Program;
- it is difficult for DJAG to progress critical CJG program management issues (i.e. inconsistent reporting) with the SWRG slips back into commentary on broader Government policies;
- the group meets once every six months on average, so perceptions that matters aren’t resolved quickly can gain momentum amongst CJGs;
- other Government agencies report they are unclear about the role, function and decision making authority of the SWRG as the matters raised relate to broader policy , program and funding issues outside CJG Program; and
- representative members have not put in place a mechanism to drive improvements to CJG program management, activity and reporting on the ground post SWRG meetings.

While the evaluation acknowledges the Government’s efforts since the 1990s in establishing a central representative body as part of a commitment to the program, and to continuously improve and support the activities of the CJGs and involve CJGs in broader Indigenous justice discussions, in reality the SWRG role has morphed into providing advice on Government initiatives, rather than working with DJAG to improve CJG Program delivery.

The terms of reference for the committee do not reflect a programmatic role for the SWRG, and stakeholder feedback reflects an obvious disconnect between what DJAG see the role of the SWRG to be and what the SWRG actually does.

While it is important for CJGs to have representation in broader Indigenous justice policy discussions, it is equally important their SWRG represents their issues with program management, performance reporting and court process to DJAG so matters can be resolved.

Representation

It is evident the SWRG perceive themselves as undertaking a representative role, voicing all CJG issues and concerns irrespective of region. This feedback is consistent with the terms of reference for the SWRG. The current membership model and process SWRG members were asked how often they communicated with their representatives, members did concede, that communication before and after SWRG meetings often does not occur.

Coordinators report their SWRG representatives send regularly emails and information. However many coordinators reported feeling disconnected from the representative body, and felt that it was not necessarily relevant to them and the specific issues relating to their CJG or community. This could be a result of the general disconnect between CJGs and coordinators generally, because they operate in isolation in community, or the SWRG representative is not known to them.

The evaluation finds that the representatives on the SWRG need to strengthen their communication with CJGs they represent, and ensure the issues they are raising are consistent with the views put to them by their membership.

Communication

The SWRG identified the need to bring the coordinators and group members together for training and networking to create key supports and linkages between communities and enhance the operations of the SWRG.

One suggestion put forward by the SWRG is a need for more regional meetings. Stakeholders such as Regional Advisors, Magistrates and some justice stakeholders also put this suggestion forward as they identified there was no local mechanism for them to bring CJG Coordinators and CJG representative together to:

- provide feedback and share information regarding performance information for the past quarter;
- provide training and mentoring on how to improve service delivery;
- hold discussions with CJGs and other relevant justice stakeholders about “what the data means” to inform local crime prevention planning and initiatives;
- hear from CJGs formally about some of the barriers and challenges they may be facing around courts processes, completion of tasks; and
- provide Magistrates and DJAG Court House Managers with an opportunity to address local CJG Coordinators collectively about “what court has seen in the past quarter/what are the crimes coming before me, court process, nature of offences

and other court innovative programs as well as to recognise the contributions of the CJGs.

Such regional forums could assist with DJAG addressing quickly any operational barriers to the CJG Program locally, as opposed to waiting for the next SWRG meeting where a representative may raise it. Such forums reinforce expected standards of service delivery, allow services to discuss how best to respond to emerging issues and model good practice in evidence based local planning for local services.

4.4.2 Program funding arrangements

CJGs are usually unable to enter into a direct funding relationship with DJAG. . Currently 26 CJGs are incorporated, while the other CJGs are funded through an auspicing arrangement with a Local Council or another community-controlled organisation

This occurs mainly because of practical reasons such as the groups feel they do not have the appropriate skill level to manage their own financial affairs, or would prefer another group “takes care of the paperwork” so the CJG Coordinator and members can concentrate on working with clients. While this works effectively in some communities, there are significant issues in other communities.

Some CJGs reported that engaging an auspicing agency meant the governance and day to day administration of the group could be handled by people with this expertise, freeing up the CJG Coordinator and members to participate in their activities, and therefore reported that auspicing was working for their group.

Others reported issues with their auspice such as a lack of transparency in funds and asset management, conflict arising from a lack of clarity around lines of accountability and roles, and a lack of understanding of how auspicing can work effectively.

Local councils and auspicing bodies to whom the evaluation team was introduced also reported there is a lack of clarity around lines of accountability, and reported that the funding provided by DJAG was often insufficient to meet the costs associated with the Coordinator salary, overhead costs including rent, vehicle lease, accommodation and running costs such as fuel, training and travel costs. Many auspicing bodies reported that they supplement the CJG Program by redirecting funding from other sources. The evaluation was not shown any documentary evidence to support these claims, however some CJGs confirmed this was the type of support auspices have offered.

The auspicing arrangements of CJG Program are a source of tension in some communities due to a lack of clarity around lines of accountability, transparency in funds and asset management. Regional Advisors were generally unclear about the

authority their role had in these types of situations, particularly if the tensions were impacting on service delivery and/or access of CJG to their resources.

In recent years, some CJGs have also moved to become incorporated organisations.

4.4.3 Performance reporting and compliance

The evaluation has found the matter of CJG Program data collection and analysis is an ongoing issue. Limited, reliable court and client data could not be provided to the evaluation for analysis to determine the impact on recidivism of clients who were assisted by the CJG Program. From 2009/2010, DJAG advised that it began to withhold the release of funding in instances where financial acquittals were not provided.

Whilst there is broader recidivism data available, it is difficult to correlate this data with the CJGs' data given its unreliability. The impact of limited CJG reporting compliance may prove to be detrimental to the future of the program.

As resourcing decisions in Government are based on the assessment of effectiveness of programs to achieve program and strategic initiative goals, presentation of evidence of outcomes through reference to reliable data and reporting is essential.

There are no definitions or activity units to allow for consistent counting and reporting of activity across the CJGs. There is insufficient understanding of and accountability around providing activity reports and financial acquittals to the Department as a condition of funding.

Furthermore there is no embedded culture at the courthouse level of accessing data to understand patterns of offending in the local area to inform local level planning responses to crime prevention and case management support for offenders.

The evaluation found CJG Coordinators have various levels of skill and capacity to effectively administer the program. The sporadic and quality of quarterly reports was a common example cited by stakeholders of capacity issues in this area.

Factors such as limited orientation to the role, access to learning and development opportunities to overcome these inequities combined with not implementing their learnings, irregular contact with Regional Advisors, and for some groups, unwillingness to comply, were identified as contributing to non-compliance.

Compliance with reporting is inconsistent and in many cases poor. When interviewing CJG Coordinators, this is partly due to a lack of clarity about what and how to collect data, or a lack of commitment to submit quality and regular reports as it is unclear what the benefits are to reporting reliable information and how it then might be applied.

Although DJAG officers state that they are unhappy with the quality of reporting, most CJG Coordinators report that the reporting is not too difficult or onerous for them, hence there seems to be a lack of communication of expectations and provision of appropriate training, reporting definitions and counting tools to assist reporting.

Other justice stakeholders commented on the lack of available, quality data and performance information collected from CJGs and by Courts and the missed opportunity it presented to:

- track clients through the courts system who have been assisted by CJGs;
- monitor repeat offending;
- identify the range and type of offences CJGs have provided for submission in court (oral and written);
- count and cross reference CJG data, with QWIC data and other local criminal justice data;
- analyse data at Courthouse/Regional level so all stakeholders including Magistrates could “obtain a picture” of the nature of offences and volume of offenders coming through the courts;
- base local level crime prevention and diversion responses on evidence; and
- identify positive statistics and stories and recognise the groundwork of volunteers and CJG members.

Regional Advisors commented they are unable to cross-reference courts data with any performance information presented in CJG reports. SWRG members also commented that it is disappointing that justice services they work for do not record and count the times CJG members have interacted with them.

Further, the evaluation finds access and use of CJG data in the future will be important for evidenced-based, local crime prevention/community safety responses. Such responses will assist CJGs focus their activities, present their views based on evidence and improve their networking with key agencies at a local level.

Key findings

The evidence indicates that weaknesses in the administration and management of the CJG Program limit the ability to achieve the highest quality, effectiveness and efficiency of the program.

The governance structures to manage the program could be improved, particularly to

clarify roles and responsibilities with respect to the Department, and the SWRG. Program performance management (monitoring and compliance) could also be strengthened

Current performance data collection and analysis under the CJG Service Agreement is limited and does not provide Government with an opportunity to assess program quality and outcomes for clients

Definitions and counting rules for service activities are not applied consistently by CJGs in their reporting resulting in unreliable and skewed client data being presented to DJAG regarding the volume and activity of CJGs

There is no embedded culture of analysing data collected at the courts in the QWIC system and using it to inform future local planning and CJG activity by stakeholders such as Regional Advisors, DJAG Regional Managers, CJG Coordinators, QPS and DJAG centrally

The QWIC database will be a key mechanism against which CJG data can be cross-referenced in the future.

5 Future directions

This section considers the future of the CJG Program in light of the findings of the evaluation outlined in the previous chapter. It proposes changes to the program design, funding arrangements and service delivery model in order to improve its capacity to achieve the desired outcomes in the most efficient way.

Underlying the recommended future directions is the key evaluation finding that the weight of qualitative evidence from Indigenous community leaders, community based service providers, justice system stakeholders, such as police and Court staff, suggests that the CJG Program provides a positive contribution to:

- reducing the likelihood that Indigenous offenders do not attend Court and therefore receive a more severe sentence as a result of their non-attendance;
- providing support to help reduce the likelihood of crime escalation through:
 - the support provided to offenders in prison and upon prison release;
 - the resolution of community conflict and mediating disputes before they escalate; and
 - supporting people to remain in the community to serve community based orders as an alternative to custodial sentencing;
- working within the justice system to improve its cultural appropriateness and responsiveness to Indigenous people in line with the priorities of the Queensland Government and DJAG, through:
 - making cultural submissions as part of the court process;
 - the provision of additional information to support Magistrates in their decision making; and
 - upholding positive images of Indigenous persons around the justice system for the wider community to see; and
- social capital and well-being within Indigenous communities by promoting volunteerism and support for others within the community.

As a result, the evaluation recommends that the CJG Program continue in a modified form.

Should Government decide to continue to invest in the CJG Program, this section proposes the following changes to improve the quality, effectiveness and efficiency of the CJG Program:

- **Program design** strengthen the program design, including its program goals and objectives;
- **Service delivery** develop a new service model, new service activities and definitions and performance management framework; and
- Program administration** improve the administration and performance management of the program.

5.1 Program design

5.1.1 Establish achievable program goals

The achievement of the current overarching program goal to prevent crime and reduce recidivism is difficult for a single, community volunteer based program to achieve. Amendment to the program goal will provide clarity to what the CJG is intended to achieve and will provide a more appropriate and achievable measure of success.

A change in the program goal will assist:

- DJAG explain the role of the program to other agencies;
- targeting funding and training for CJGs;
- to strengthen and better target the performance management framework for the program;
- the Government to explain about how this program aligns with National and State Indigenous justice initiatives and justify continued or additional funding; and
- to clarify CJG members' roles in and around the court process.

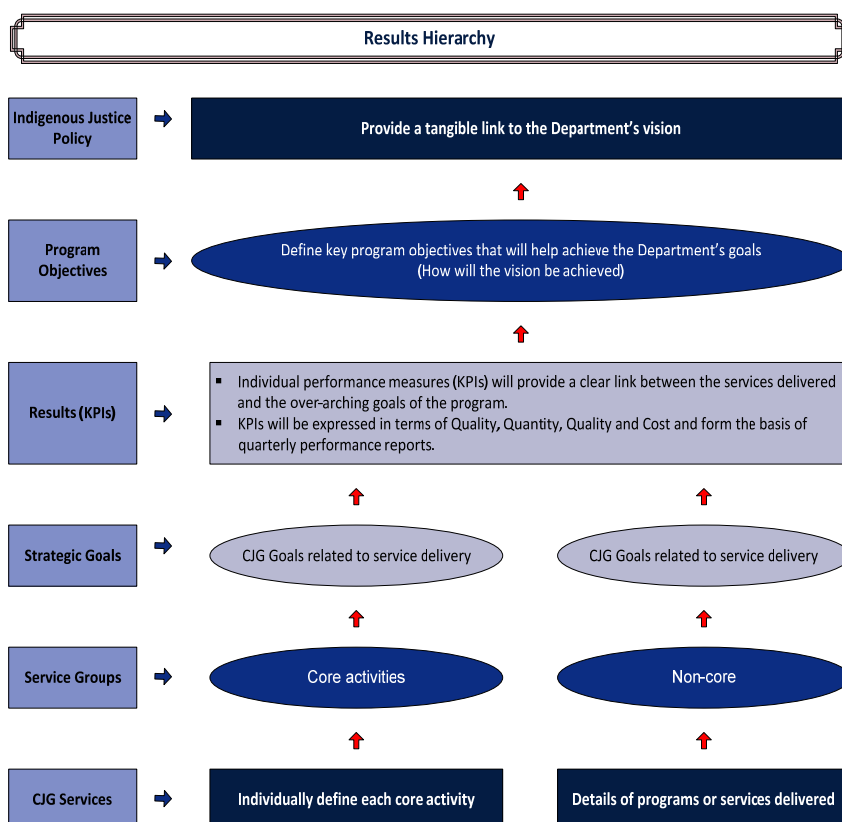
Suggestions put forward by stakeholders for the future program goal include:

- To support Aboriginal and Torres Strait islander people who come into contact with the criminal justice system with an aim to reducing the personal and community impact of that contact and to reduce the likelihood of recidivism.

- To contribute to a reduction in over representation of Aboriginal and Torres Strait Islander people through providing support to offenders and victims.
- Providing court support to offenders and victims and contribute to efforts to reduce ATSI re-offending and incarceration rates.

This evaluation therefore recommends that DJAG amend the current program goal to ensure its clearer and achievable by a volunteer based community group. The alternative program goals outlined above could provide the basis for deliberations.

Once the program goal is determined, it will also be necessary to establish a clear results hierarchy that maps the program goal, objectives, and results to the core activities. This will be important to support more robust program performance monitoring and the analysis of the appropriate level of investment. A decision tree for developing a results hierarchy for the CJG program is provided in the diagram below.



5.2 Program performance

Following the definition of revised program goals and a results hierarchy, a new service model can be developed to support more efficient and effective service delivery.

5.2.1 Targeted, strengths based service model

To strengthen the future CJG Program service model, the evaluation finds that DJAG could draw from the existing service model and the activities of similar services which work with a cross section of clients in contact with the courts system.

The Queensland Courts have in place a range of volunteer and funded court support programs targeted at different cohorts. Examples include Court Support programs to support victims of Domestic Violence, Juvenile Court and DJAG's new Victims Assist Court Support Services.

A common feature of these models is that the program functions are clearly and defined, and targeted at court based support. While not all the elements of other court-related support services may be applicable to the future of CJGs, they reinforce that the CJG service model could have a more clearly defined role, functions and funded activities.

The current core functions being performed by CJGs were supported by all stakeholders including CJGs themselves. These core functions provide a platform for CJGs to network with community members with offending behaviour, or who have experienced crime, and build ongoing relationships with them and their families.

Importantly, for the CJG Program, the evaluation recommends the functions of the CJGs be primarily focused on the provision of Court related support and working with clients across the justice portfolio such as QPS, DCS, Youth Justice and DJAG.

The evaluation therefore recommends the range of other activities not related to the court process or justice system be removed from the DJAG Service Agreement. This means that, in the future, requests for CJGs to undertake additional activities outside their core functions will need to be resourced by the appropriate agencies. As it is recommended that the program continue to operate on a voluntary basis, any funding provided by other agencies could be provided to DJAG and pooled to fund additional capacity building related to those additional activities and other related program infrastructure for the CJGs.

Therefore the future service activities of CJGs funded by DJAG should continue to be:

- prepare and present written sentencing submissions to the courts;

- prepare and present oral sentencing submissions to the courts;
- attend court sittings to provide assistance to victims and offenders;
- link victims with support and legal services;
- assist victims prepare Victim Impact Statements;
- link offenders with support and legal services;
- support offenders to comply with conditions of non-custodial court orders;
- assist debtors to liaise with SPER regarding outstanding fines; and
- attend stakeholder meetings with other agencies to support their court-based functions, including Queensland Police Service, Department of Communities, Department of Corrective Services, the Judiciary and Magistracy, Local Council, Aboriginal and Torres Strait Legal Service, Legal Aid and NGOs.

In relation to alcohol management, it is recommended that the current advisory role for Statutory CJGs under the Liquor Act be retained, however over time, the emphasis on this role could be reduced and the current trend for new CJGs to be established as non-statutory groups should continue.

Service activities – revised definitions

The evaluation recommends that in any development of a new service model for CJGs, DJAG be mindful of the broader Queensland Government initiatives to improve service expectations and standards, such as:

- human services initiatives which seek to streamline and standardise service agreement templates, program outputs/ specifications and activities for community service organisations; and
- the updated National Community Service Standards (NCSS) which detail information about service activities and definitions.

The evaluation found that the core functions are consistent with current legislation. However, these functions are not always clear or known to other stakeholders.

The evaluation recommends that clear and concise definitions should be developed for the following court related support activities that CJGs currently do, namely:

a. Sentencing submissions

- b. Assistance (to offenders and families in conjunction with Court)
- c. Support (regarding compliance with non-custodial Court orders)
- d. Personal support (assisting with completion of forms, attending appointments)
- e. Networking.

To assist with the development of revised service activities, the evaluation recommends the following NCCS classifications be used as a guide to develop a new service agreement for CJGs to better define and record what each group does in its location.

Theme of activity	NCCS classification	Description	
Sentencing and Alcohol Management Submissions (NB this also captures the CJG Statutory Groups role under the <i>Liquor Act 1992</i>)	A01.1.02 Information advice, and referral	A01.1.02 Consumer, legal information advice and referral A01.1.06 General service availability, information and referral A06.2 Court Advice and advocacy	<ul style="list-style-type: none"> Conduct pre-sentence interviews with offenders and sometimes meet with the victim Review relevant information such as the QP9s Prepare written submissions Prepare oral submissions Provide advice regarding alcohol management including participation in consultation processes and the provision of written submissions as required (statutory only)
Assistance	A07.1 Service support and development	A07.1.01 Advice and consultancy on service networks A07.1.02 Coordination/network development A07.1.04 Volunteer	<ul style="list-style-type: none"> Research and identify relevant programs for the offender (if applicable) and draft cultural reports/written submissions Recruit and train new

Theme of activity	NCCS classification	Description	
		resource development and placement	<p>CJG members</p> <ul style="list-style-type: none"> Assist applicants with dry place declaration applications (Statutory CJGs only).
Support for offenders	A06.1 Corrective Services	A06.1.01 Corrective supervision	<ul style="list-style-type: none"> Support offenders to comply with conditions of non-custodial court orders
Personal Support	A01.2 Personal Support	<p>A01.2 .03 Mutual support and self help</p> <p>A01.2.01 Individual Advocacy</p> <p>A01.4.01 Personal assistance</p> <p>A01.4.05 Social Support, escorting, visiting and personal transport</p>	<ul style="list-style-type: none"> Assist community members with the completion of personal forms related to the court process Transfer/transport offenders and/or victims to court so they cannot be breached for not attending court Collect Elders for court days from their homes and transport them to the courthouse Visit police station/cells to support an offender only as required or in absence of formal cell watch program
Networking	<p>A07.3 Social planning, social action and group advocacy</p> <p>A07.2 Community Group/Development</p>	<p>A07.3.02 Social action and group advocacy</p> <p>A07.2.99 Cultural group development</p>	<ul style="list-style-type: none"> Network with other NGOs and attend interagency meetings as required Prepare advice and reports for Government Attend key community forums

The categories and descriptions selected from the NCCS attempt to better define at a basic level for all CJGs the description of what their groups do, where they provide their activities and at whom they are targeted.

It will also ensure there is consistency in concepts applied by all CJGs regardless of their location, as well as consistency with other human services across government. It also allows DJAG to negotiate consistently with each CJG the particular activities they require them to undertake in each location and how they will count and record their activities. For example, in the event a CJG member visits an offender in jail or attend a police interview as part of their preparations for court or bail, the CJG can record this activity under the category of a personal support activity.

Future Additional roles

The evaluation recommends that investment in CJG capacity, performance management and membership be addressed before any additional roles are assigned formally to CJGs. This recommendation is based on the findings associated with the skills and capacity, and membership challenges the CJG Program is currently experiencing, and how this impacts on the effectiveness and quality to deliver the core services funded by DJAG.

In addition to this point, this evaluation is not suggesting CJGs should not be involved in crime prevention. Rather, based on the findings, the evaluation recommends that important investment in the capacity, training and efficiency of the CJG program should occur in the first instance, before "crime prevention" roles, or any other additional roles, are assigned to the CJGs.

The evaluation advocates that CJGs be provided with an opportunity to focus their activities, strengthen their skills and capacity, and improve their data and performance reporting before Government assigns additional responsibilities at the diversion end of the program continuum, which will require:

- an understanding of how to collect and analyse data to develop evidence based crime prevention responses that will effect change in community behaviour;
- skills and capacity in networking and building effective working relationships with key stakeholders in the community; and
- an active pool of CJG members in groups who have the time and skills to implement crime prevention initiatives and monitor initiatives.

Revised program guidelines

To support future implementation of the new service model, the development of new program guidelines will be required. The evaluation recommends that future program guidelines should be revised to:

- include definitions of outputs, activities, counting and performance reporting rules to help consistency in reporting and guide both regional staff and staff managing the CJG Program;
- detail for program staff the decision-making framework for the establishment of new CJGs, performance management, non-compliance with the service agreement and decision making hierarchy within the Department;
- include information about the process for resolving operational barriers to delivery of funded activities with regional office;
- include information about the standard of services required, the process for application for new volunteers, and criminal history checks;
- include information about auspicing arrangements to guide auspice and CJG working relationships; and
- information about the professional development and training expectations for the funded services.

5.2.2 Activity and performance based funding model

The CJG Program is volunteer based and under its current funding model, resources only one Coordinator per group. The evaluation is not recommending the cessation of the volunteer basis of this program. Rather, the evaluation is recommending an overhaul of the program's goal and role to reflect its current focus and what it is resourced to deliver. It is suggested that other agencies that require CJGs to assume additional roles which do not have a court or justice focus would make a funding contribution to DJAG to cover the cost of capacity building and program infrastructure related to the additional activities.

The evaluation attempted to develop an understanding of the level of resources required to deliver an efficient and effective service, however this could not be achieved given that the current financial information and program data is unreliable.

The evaluation found location, frequency of court days and volume of offenders in court or on court orders are variables that can impact on activity levels of CJGs. Factors such as these will help arrive at determining an appropriate level of resources to provide necessary infrastructure and support the capacity of the volunteer CJGs to

deliver on their core functions. The evaluation recommends that such funding should factor in on-costs for CJGs such as rent, office equipment, petrol and general stationary.

Resources should include:

- a basic level of funding (block funding) to each CJG that establishes a pre-determined level of capacity (linked to volume of offender data or regionally specific requirements);
- an understanding of the infrastructure and capacity building requirements associated with each type of service and anticipated level of demand;
- clear and consistent units of service and measurement of these units; and
- any 'top-up' funding to support the actual nature and volume of services provided (in addition to the pre-determined volume of service).

By introducing rigour into the funding and resource allocation to this program, the Department will be able to forecast levels of demand, and plan and provide appropriate levels of funding to expand the program into regions with the greatest levels of need. It will address the current under-resourcing argument that has been associated with this program for the past 17 years.

Additionally, at the central program level, the evaluation recommends that DJAG will require additional resources to implement regular and improved training and communication with CJGs.

5.2.3 Robust performance management framework

The evaluation recommends improvement in the data collection and reporting of this program. This involves:

- defining overarching programs goals, which are supported by meaningful (SMART) KPIs;
- developing service agreements that link funding to actual services delivered in line with the pre-determined efficiency measures (quantity, quality, timeliness, and cost);
- ensuring that any performance measures link directly to program goals and drive improved performance (not just measuring volume); and
- introducing new data definitions and collection including developing new fields into the DJAG QWIC database to collect CJG activity.

This evaluation also recommends some changes to performance management arrangements. In the future, it will be important for Regional Advisors to work with CJGs to improve reporting and have regular discussions about “what the data is saying” to improve evidence-based discussions. It is also recommended that:

- reporting templates be revised;
- new recording fields be developed in the DJAG database and Courts Innovation Programs Evaluation System (CIPES) so CJG data can be collected in the courtroom and be accessed by Regional Advisors for the purposes of program administration, data analysis and local planning processes amongst justice stakeholders; and
- DJAG introduce regular analysis of the reporting information and report this to relevant stakeholders in Government and CJGs.

5.2.4 Communication and feedback

The evaluation has found evidence that regular communication about the activity of CJGs between central and regional staff, including other internal DJAG staff and local justice stakeholders, is not common practice. Regular communication and sharing of information is important for monitoring of service standards, identification of issues impacting on service delivery, sharing of achievements and evidence to inform future service activity. It is the opinion of this evaluation that the benefits of resourcing regular communication forums at a state and regional level would include:

- ensuring CJGs focus on performance and evidence based decision making;
- promoting reflection and guiding CJGs and justice stakeholders to use data to inform local planning and community safety discussions;
- resolving operational matters between courts, justice stakeholders and CJGs;
- identifying higher level policy and programmatic matters that then can be put to the SWRG; and
- helping to uphold standards of performance and delivery and supporting CJGs to be effective in their roles.

This evaluation recommends:

- introduction of CJG regional forums (up to two per year) to create a higher performance culture. At these forums, Regional Advisors could communicate performance information to CJGs, discuss courts process/activity process issues and resolve operational blocks at a local level, invite key stakeholders such as

Magistrates, Police, Correctives Services to discuss types of offences and court matters and offer a form of training and mentoring to CJG Coordinators;

- DJAG continuing to host discussions with the SWRG to determine its future role in line with the findings and recommendations of this report;
- host an annual forum where all CJGs can be represented. This would help promote their work, reinforce reward and recognition of CJG members and help support program integrity across the State. It would also offer an opportunity for CIPs to promote other court-based initiatives it is operating to CJG; and
- an internal Government process by which DJAG can communicate the activities and performance of the CJG Program to key agencies. In turn, Government agencies would have a forum by which to share information that may impact on the CJG Program.

5.3 Capacity of coordinators and CJG members

To uphold consistency in program delivery and to drive the quality service delivery outcomes, an accessible and regular training framework should be developed to provide professional development support to departmental CJG program staff, CJG Coordinators and voluntary CJG members. As noted above, this would require the provision of additional resources to DJAG to support these enhanced training activities.

To strengthen workforce capacity across the program, it is recommended that:

- DJAG conduct a training needs assessment of all CJGs (Coordinators and members) including what recent and relevant training has been undertaken and what training is identified as a priority for CJGs;
- the findings of the training needs assessment be considered against the core activities, and a list of mandatory and non-mandatory training be developed in conjunction with a clear policy outlining the expectations to undertake training at regular intervals;
- DJAG consider opportunities to minimise the cost burden by seeking economies of scale and collaborating with other Government agencies, organisations and programs which may require similar training for their staff; and
- Additional funding be provided to support a regular training and capacity building strategy for CJGs in addition to existing program funding.

5.4 Conclusion

There is widespread support for the CJG Program amongst Indigenous community leaders, community based service providers, and justice system stakeholders such as local police and Court staff. However, there is also a widespread view that the program is not realising its potential for reducing the over-representation of Aboriginal and Torres Strait Islander people in the justice system.

This evaluation therefore recommends that the CJG Program be continued and that DJAG implement the enhancements identified in this report relating to program design, service delivery, and program administration in order to strengthen its effectiveness in the future.

6 List of recommendations

Contribution to the Justice System

The evaluation notes that the CJG Program provides a positive contribution to:

- reducing the likelihood that Indigenous offenders do not attend Court and therefore receive a more severe sentence as a result of their non-attendance;
- providing support to help reduce the likelihood of crime escalation through:
 - support provided to offenders in prison and upon prison release;
 - resolution of community conflict and mediating disputes before they escalate; and
 - supporting community members on community based orders;
- working within the justice system to improve its cultural appropriateness and responsiveness to Indigenous people in line with the priorities of the Queensland Government and DJAG, through:
 - making cultural submissions as part of the court process;
 - the provision of additional information to support Magistrates in their decision making; and
 - upholding positive images of Indigenous persons around the justice system for the wider community to see; and
- social capital and well-being within Indigenous communities by promoting volunteerism and support for others within the community.

1. The evaluation therefore recommends that the CJG Program continue in a modified form. Should Government decide to continue to invest in the CJG Program, this evaluation recommends changes to improve the quality, effectiveness and efficiency of the CJG Program. The evaluation recommends:

- **Program design** strengthen the program design, including its program goals and objectives;
- **Service delivery** develop a new service model, new service activities and definitions and performance management framework; and

- **Program administration** improve the administration and performance management of the program.

2. Change of program goal

This evaluation recommends that DJAG amend the current program goal to ensure it is clearer and achievable by a volunteer based community group.

3. Strengthen program focus

The evaluation recommends that the functions of the CJG be focused on primarily the provision of Court related support and working with clients across the justice portfolio such as QPS, DCS, Youth Justice and DJAG.

The evaluation recommends the range of other activities not related to the court process or justice system be removed from the DJAG Service Agreement.

The evaluation recommends that important investment in the capacity, training and efficiency of the CJG program should occur before additional program roles such as "crime prevention" are assigned to the CJGs in the future.

The evaluation recommends requests for CJGs to undertake additional activities and roles outside the core functions should be resourced by the requesting agencies.

4. Revised service model and activities

The evaluation recommends that clear and concise definitions should be developed for the following service activities

- a. Sentencing submissions
- b. Assistance (to offenders and families in conjunction with Court)
- c. Support (regarding compliance with non-custodial Court orders)
- d. Personal support (assisting with completion of forms, attending appointments)
- e. Networking

The evaluation recommends the relevant NCCS classifications be used as a guide to develop new service activities for CJGs to better define and record what each CJG does at its location.

5. Revised program guidelines

The evaluation recommends that future program guidelines should be revised to:

- include definitions of outputs, activities, counting rules and performance reporting rules to help consistency in reporting and guide both regional staff and staff managing the CJG Program;
- detail for program staff the decision-making framework for the establishment of new CJGs, performance management, non-compliance with the service agreement and decision making hierarchy within the Department;
- include information about the process for resolving operational barriers to delivery of CJG funded activities with the regional office;
- include information about the standard of services required, the process for application for new volunteers, and criminal history checks;
- include information about auspicing arrangements to guide auspice and CJG working relationships; and
- information about the participation rates, professional development and training expectations for CJG members.

6. Resources and funding

The evaluation recommends that the existing voluntary basis of this program be retained.

The evaluation recommends that any determination of revised funding to support each CJG should factor in on-costs for CJGs such as rent, office equipment, petrol and general stationary.

DJAG should also be provided with additional resources to implement an improved training schedule and communication forums with CJGs.

7. Improvement to financial and performance management

The evaluation recommends improvement in the data collection and financial and performance reporting of this program by:

- defining overarching program goals, which are supported by meaningful (SMART) KPIs;

- developing service agreements that link funding to actual services delivered in line with the pre-determined efficiency measures (quantity, quality, timeliness, and cost);
- ensuring that any performance measures link directly to program goals and drive improved performance (not just measuring volume); and
- introducing new data definitions and collection including developing new fields into the DJAG QWIC databases and other relevant DJAG databases to collect CJG activity.

8. Improving communication

This evaluation recommends:

- introduction of CJG regional forums (up to two a year) to create a higher performance culture. At these forums, Regional Advisors could communicate performance information to CJGs, discuss courts process/activity process issues and resolve operational blocks at a local level, invite key stakeholders such as Magistrates, Police and Correctives Services to discuss types of offences and court matters and offer a form of training and mentoring to CJG Coordinators;
- DJAG continue to host discussions with the SWRG to determine its future role in line with the findings and recommendations of this report;
- DJAG host an annual forum where all CJGs can be represented. This would help promote their work, reinforce reward and recognition of CJG members and help support program integrity across the State. It would also offer an opportunity for CIPs to promote to CJG other court-based initiatives it is operating; and
- an internal Government process by which DJAG can communicate to key agencies the activities and performance of the CJG Program. In turn, Government agencies would have a forum by which to raise matters with DJAG regarding the CJG Program.

9. Improvement to the skills and capacity of CJG members

To strengthen the capacity of CJG members participating in the CJG program, it is recommended that:

- DJAG conduct a training needs assessment of all CJGs (Coordinators and members) including what recent and relevant training has been undertaken and what training is identified as a priority for CJGs;

- the findings of the training needs assessment be considered against the core activities, and a list of mandatory and non-mandatory training be developed in conjunction with a clear policy outlining the expectations to undertake training and apply its learnings at regular intervals;
- DJAG consider opportunities to minimise the cost burden by seeking economies of scale and collaborating with other Government agencies, organisations and programs which may require similar training for their staff; and
- additional funding be provided to support a regular training and capacity building strategy for CJGs in addition to existing program funding.

A Community visits

Table 1 List of representative sample of face-to-face consultations with CJGs

NO.	LOCATION	DATE / TIMING
1	Doomadgee (pilot community to test questionnaire tools)	July 2010
2	Cairns Regional workshop (Kuranda, Yarrabah, Innisfail, Mossman Gorge and Tablelands)	July 2010
3	Hopevale, Wujal Wujal, Townsville, Charters Towers, Palm Island, Aurukun, Napranum, Thursday Island, Badu Island, Darnley Island, Bamaga & NPA, Rockhampton, Coen (telephone interview)	July 2010
4	Toowoomba Regional Workshop (St George, Cullamulla, Cherbourg, Toowoomba)	August 2010
5	Mapoon, Pormpuraaw, Lockhart River and Woorabinda, Caboolture, Ipswich and Inala	August 2010

B Summary of Indigenous programs in other jurisdictions

Different States and countries around the world have initiated similar Indigenous justice initiatives to reduce the number of Indigenous persons in contact with the criminal justice system. Below is a table summarising the similar community justice initiatives in other jurisdictions.

Jurisdiction	New South Wales
Program	Aboriginal Community Justice Groups (ACJG)
Goals and objectives	<p>The goal of the ACJGs is to:</p> <ul style="list-style-type: none"> • provide a mechanism for local Aboriginal communities to come together to explore their own local justice concerns and to work together to develop local plans that can meet their justice needs; • provide a direct voice for Aboriginal communities in solving their own problems; and • provide a framework for local communities and regional government service providers and agencies to work cooperatively to improve the justice system, and reduce Aboriginal contact with that system.
Program Activities	<p>ACJGs work on a large number of local issues in co-operation with police, courts, probation services and juvenile justice. The groups also assist to develop crime prevention programs and activities.</p> <p>There are a number of things that ACJGs can do, such as:</p> <ul style="list-style-type: none"> • provide advocacy for Aboriginal people in relation to criminal justice issues; • develop local crime prevention initiatives in partnership with local justice agencies and local Aboriginal people; • work with police to issue cautions and warnings; • support offenders once bail is granted; • establish diversionary programs for young people at risk; • provide advice to courts regarding defendants; • provide advice, services and information to link victims to support services; and • participate in Circle Sentencing assessment.
Funding models	<ul style="list-style-type: none"> • The Attorney General's Department has established a comprehensive, statewide network of 20 Aboriginal Community Justice Groups (ACJGs) with more than 400 members. Each ACJG has a coordinator attached. • In 2008-2009, ACJGs were funded \$2.8 million in conjunction with Community Patrols from State funds.

	Funding is mainly allocated to the salary of the coordinator. Some funding may be allocated to the ACJG themselves to deliver crime prevention activities as required. KPMG contacted the NSW Aboriginal Program Unit and were advised that there is no publicly available information regarding the funding or budgets of ACJGs.
Comment	

Jurisdiction	South Australia
Program	Aboriginal Justice Officers
Goals and objectives	<p>The role of the Aboriginal Justice Officers is to:</p> <ul style="list-style-type: none"> educate the Aboriginal community in the operation of the court and criminal justice system; and foster links between the Aboriginal community and the court as consultants on Aboriginal issues and cultural awareness.
Program activities	<p>The Courts Administration Authority employs Aboriginal Justice Officers (AJOs) in the Adelaide metropolitan area and Port Augusta. The AJOs provide an interface between courts and the Aboriginal community, and their key responsibilities are to:</p> <ul style="list-style-type: none"> provide information and assistance to Aboriginal court users; support Aboriginal sentencing courts and conferences in the Magistrates and Higher Courts; contribute to the education of the Aboriginal community about the operation of the courts and criminal justice system; provide Courts Administration Authority staff and the judiciary with an understanding and awareness of Aboriginal issues, social structure, culture and tradition; and attend Aboriginal Court Day to advise on cultural and community matters.
Funding models	<ul style="list-style-type: none"> The CAA employs 10 AJOs to service the Magistrates Court, Youth Court, Higher Courts and Aboriginal court users and their families. Three AJOs are based at the Adelaide Magistrates Court, three at the Port Adelaide Magistrates Court, three at the Port Augusta Magistrates Court and one at the Adelaide Youth Court. They visit all metropolitan courts, circuit to regional courts and the more remote areas including Ceduna and Yalata and the Anangu Pitjantjatjara Yankunyatjara Lands ('APY Lands'). AJOs are not considered a "program" as such, therefore there is no specific funding allocated to their employment. Their salaries are paid by the CAA out of the funding from the annual State Budget.
Comment	

Jurisdiction	Western Australia
Program	Local Justice Forums
Goals and objectives	<p>The role of the Local Justice Forums is:</p> <ul style="list-style-type: none"> to provide for collaboration and negotiation between the Government and Aboriginal communities; and to develop, implement, monitor and review a Local Justice Agreement.
Program Description	<p>The Aboriginal Justice Agreement (AJA) provides an engagement program operating at a State, regional and local level. The AJA has one State justice forum – called Aboriginal Congress – 10 regional and more than 40 local justice forums across the State.</p> <ul style="list-style-type: none"> Each Local forum is made up of an equal number of representatives from the Aboriginal community and any Government or nongovernment agencies involved in Aboriginal justice issues. The local forum creates local justice agreements which identify and address priority justice issues. Regional Forums are made up of community representatives from each local forum in the region along with representatives of other towns and communities with significant Aboriginal populations that don't have a local forum. Regional Forums create Plans which are negotiated with relevant Government and non-Government agencies to action. The work of the forums is supported by locally based Regional Coordinators.
Funding models	
Comment	

Jurisdiction	Victoria
Program	Koori Justice Program
Goals and objectives	<p>This Program is an initiative of the Aboriginal Justice Agreement and is designed to provide Aboriginal offenders with:</p> <ul style="list-style-type: none"> opportunities for supervised community work; assistance in accessing development programs; and assistance in negotiating payment plans for fines.
Program Activities	<p>Through the program, Local Justice Workers support Koori offenders on orders to meet the conditions of their orders, by sourcing supervised community work opportunities in culturally-appropriate environments and also helping them to link in to relevant programs and services available in the community.</p> <p>Local Justice Workers also assist Koorie offenders with outstanding fines</p>

	<p>to negotiate payment plans with the Sheriff's Office and act as one key point of contact between local Koori communities and Justice agencies.</p> <p>The program was launched in 2008 and is delivered by community organisations in 10 locations across Victoria, chosen based on the daily average number of Koori offenders reporting to Community Corrections Services offices in each region.</p>
Funding models	<p>The Victorian State Government announced in April 2008 that it had allocated \$2.1 million to operate the program. There are 10 local justice workers employed in the 10 locations of:</p> <ul style="list-style-type: none"> • Goolum Goolum Aboriginal Cooperative Limited, Horsham • Mungabareena Aboriginal Corporation, Wodonga • Njernda Aboriginal Corporation, Echuca • Western Suburbs Indigenous Gathering Place Incorporated, western metropolitan Melbourne • Bendigo and District Aboriginal Cooperative Limited, Bendigo • Gunditjmara Aboriginal Cooperative Limited, Warrnambool • Gippsland Lakes Community Health Incorporated, Lakes Entrance • Swan Hill Aboriginal Health Service, Swan Hill • Dandenong and District Aborigines Cooperative Limited, Dandenong • Ramahyuck District Aboriginal Corporation, Drouin and Warragul.
Comment	

Jurisdiction	Canada
Program	Circle sentencing
Goals and objectives	Circle sentencing aims to keep offenders in their communities and, as a result, fewer jails will be needed.
Program Description	<p>Circle sentencing is a process adopted by judges as an alternative to hearing formal sentencing submissions from the defence and Crown lawyers. Circles require a significant commitment from community members, so generally the offender must enter a plea of guilty at an early stage of the proceedings indicating a full acceptance of responsibility for the offence.</p> <p>Everyone in the community is invited to attend and participate. The session is chaired either by a respected member of the community, sometimes called 'the keeper of the circle' or by the judge. Usually between 15 and 50 persons are in attendance. The participants in the circle introduce themselves, then the charges are read and the Crown and defence lawyers make brief opening remarks. The community members then speak. Unlike a formal court-based sentencing, the discussions focus on more than just the offence and the offender.</p> <p>In most cases, these discussions will take from two to eight hours,</p>

	usually spread out over two separate circle sentencing hearings. Often at the end of the first circle, the offender is given a set of goals to determine if he can follow through with his plan before a final sentencing plan is imposed. The circle will reconvene several weeks, or even months, later to review the offender's performance and make any necessary changes to the recommended plan. At this time, the judge will impose the final sentence incorporating the recommendations of the circle.
Funding models	Circle sentencing has not been authorised by statute but exists solely as a result of judicial discretion. Therefore there is no associate funding model. Nevertheless, it is still a sentencing hearing and is part of the court process.
Comment	

Jurisdiction	Canada, Saskatchewan
Program	Community Justice Committees, Meadow Lake Tribal Council Community Justice Program
Goals and objectives	The long-term vision of the Meadow Lake Tribal Council Justice Initiative is to develop a culturally grounded, community controlled justice system that provides citizens access to a full range of services in both criminal and civil areas. This system operates in the context of self government, and complements existing federal/provincial justice services.
Program Description	The Meadow Lake Tribal Council Justice Secretariat coordinates and supports the ongoing development of Community Justice Committees (CJCs). Activities vary from committee to committee and include: <ul style="list-style-type: none"> • crime prevention; • mediation and dispute resolution; • healing, talking and sentencing circles; • alternative measures programs for adults and youth; • victim services; and • community- based correctional services that focus on offender rehabilitation and reintegration, and victim/offender healing.
Funding models	The Canadian Department of Justice funds a number of programs through the Aboriginal Justice Strategy and its associated Community Based Justice Program Fund. One of the organisations funded is the Meadow Lake Tribal Council Community Justice Program, which supports the ongoing development of Community Justice Committees.

Jurisdiction	New Zealand
Program	Family group conferences
Goals and objectives	<p>The New Zealand youth justice system stresses the need for a process that is culturally appropriate and for the provision of services that are culturally sensitive. The involvement of whanau (all those descended from common grandparents), hapu (clan), and iwi (tribe) is explicitly recognised within the <i>Children, Young Persons and their Families Act 1989</i> Act in both discussions and decisions about appropriate solutions to juvenile offending.</p> <p>The key mechanism for translating these cultural ideals into practice is the family group conference. It seeks to:</p> <ul style="list-style-type: none"> • give families power in the decision-making process; • achieve social balance by reintegrating young people in their family and community by determining appropriate means of redress for victims; and • achieve reconciliation between the victim and the offender
Program Description	<p>Family group conferences are made up of:</p> <ul style="list-style-type: none"> • the young person who has committed the offense; • members of his or her family and whoever the family invites; • the victim(s) or their representative; • a support person for the victim(s); • a representative of the police; and • the mediator or manager of the process. The manager of the process is called a youth justice coordinator and is an employee of the Department of Social Welfare. <p>Sometimes a social worker and/or a lawyer is present.</p> <p>The main goal of a conference is to formulate a plan about how best to deal with the offender. There are three principal components to this process:</p> <ul style="list-style-type: none"> • ascertaining whether or not the young person admits the offense - conferences only proceed if the young person does so or if the offense has been proved in the Youth Court; • sharing information among all the parties at the conference about the nature of the offense, the effects of the offense on the victims, the reasons for the offending, any prior offending by the young person, and so on; • deciding the outcome or recommendation.

C Summary of the CJG Program Guidelines

Roles and functions	
Program goal	The goal of this program is to reduce Aboriginal and Torres Islander over-representation in the criminal justice system.
Program objectives	<p>The program is administered by the Department of Justice and Attorney-General and provides funding to communities for the development of justice issue strategies and reduction of Indigenous contact with the criminal justice system. More specifically, the program's objectives can be grouped according to their role within the courts and the criminal justice system as well as their relationship with statutory and community stakeholders.</p> <p>Within the court system, the CJG Program seeks to:</p> <ul style="list-style-type: none"> (a) increase Aboriginal and Torres Strait Islander communities' knowledge and skills in relation to the criminal justice system; (b) assist local courts when dealing with Aboriginal and Torres Strait Islander people; (c) sensitise the justice system to the needs and cultural values of Aboriginal and Torres Strait Islander peoples; (d) advocate for appropriate changes to the criminal justice system through court based initiatives; (e) develop skills and competencies in relation to court operations. <p>In regards to building and maintaining relationships with statutory and community stakeholders, the CJG Program objective is to:</p> <ul style="list-style-type: none"> (f) facilitate improved links between Aboriginal and Torres Strait Islander communities and statutory workers, police, courts and other parts of the justice system including juvenile justice; (g) establish partnerships with both community organisations and responsible State agencies leading the development of community-based diversionary and interventionist strategies aiming to prevent and/or provide alternatives to arrest and custody; (h) provide opportunities for community input and participation in the rehabilitation of offenders; (i) monitoring of and coordination with, local community legal organisations assisting Indigenous offenders; (j) establish good working relationships with magistrates and court staff. <p>Furthermore, the CJG Program also provides for the provision of administrative support structures for Statutory CJGs to fulfil their statutory responsibilities under the <i>Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984</i> and the <i>Aboriginal Communities (Justice and Land Matters) Regulation 1998</i>.</p>

Roles and functions	
Eligible activities to gain support from DJAG CJG Program	<p>To be eligible for support from the DJAG CJG Program, applicants must be a not for profit community organisation or an Aboriginal or Torres Strait Islander Organisation incorporated or sponsored under a number of Acts and Local Government Authority. More information regarding these requirements is found in chapter 3 in the CJG Program Guidelines 2009-10.</p> <p>DJAG will support any CJG under the CJG Program established through broad community consultation and with community support for addressing criminal justice issues, and which meets the program's objectives as listed above. Activities may include:</p> <ul style="list-style-type: none"> • part or full time administration/coordination for CJGs; • relevant training not available under general community programs or specific programs; • networking activities related to establishing and maintaining information sharing, regarding dispensing justice and support to other CJGs in other geographic locations; • community education activities regarding court processes; • networking activities related to increasing collaboration with relevant government agencies; • limited financial support to establish and maintain an offer for a CJG. <p>According to the Service Agreement, core and optional activities are broken down into the following four services:</p> <ol style="list-style-type: none"> 1 Support Indigenous victims and offenders at all stages of the legal process include CJG participation in court hearings and sentencing processes in accordance with the statutory duties contained in the <i>Penalties and Sentences Act 1992</i> (Qld), <i>Bail Act 1980</i> (Qld) and <i>Juvenile Justice Act 1992</i> (Qld) 2 Develop networks with agencies to ensure that justice related issues impacting on Indigenous communities are addressed and have a particular focus on the development and support of prevention programs 3 Encourage diversionary processes such as civil and criminal mediation, youth justice conferencing, community service orders and supervised orders 4 Advise relevant agencies on issues relating to the possession and consumption of alcohol in a community area (statutory groups only).
Core activities	<p>CJGs are required to deliver core activities under the Service Agreement. The following list outlines all core activities to be undertaken by CJGs:</p> <ul style="list-style-type: none"> • prepare and present written sentencing submissions to the courts; • prepare and present oral sentencing submissions to the courts;

Roles and functions	
	<ul style="list-style-type: none"> • attend court sittings to provide assistance to victims and offenders; • link victims with support and legal services; • assist victims prepare Victim Impact Statements; • link offenders with support and legal services; • support offenders to comply with conditions of non-custodial court orders; • assist debtors to liaise with SPER regarding outstanding fines; • attend stakeholder meetings with other agencies including Queensland Police Service, Department of Communities, Department of Corrective Services, the Judiciary and Magistracy, Local Council, Aboriginal and Torres Strait Legal Service, Legal Aid and NGOs; • partnership with stakeholders to identify, establish and support prevention programs; • attend community consultations regarding issues relevant to criminal justice issues; • provide advice regarding alcohol management including participation in consultation processes and the provision of written submissions as required (statutory only); and • assist applicants with dry place declaration applications (Statutory CJGs only).
Optional activities	<p>There is also a list of optional activities CJGs can elect to undertake. These activities will differ from each group but must also deliver outcomes associated with the program objectives listed above. Examples include:</p> <ul style="list-style-type: none"> • facilitate programs for victims and offenders; • supervise Community Service Orders; • visit prisons and detention centres; • assist with various applications including Birth Deaths and Marriages, Queensland Housing, Public Trust Wills; and • support and attendance at Police interviews.
Assessment of applicants	<p>The following criteria will be assessed when assessing applicants and subsequently, making recommendations to the Director-General for DJAG:</p> <ol style="list-style-type: none"> (a) Do the aims of the CJG address the principal objectives of the Indigenous Justice Program? (b) Is the initiative mainly focussed on supporting offenders before the court? (c) Will the initiative be locally managed and sensitive to the community in which it is located?

Roles and functions	
	<p>(d) Will the initiative extend knowledge and create a wider understanding of criminal justice issues?</p> <p>(e) Is there evidence of community interest and local support for the initiative?</p> <p>(f) The shows broad, solid and stable membership</p> <p>(g) Has the applicant, where applicable, satisfactorily acquitted previous DJAG funding?</p> <p>(h) Does the applicant have the necessary financial skills to properly administer the funding?</p> <p>(i) Are community resources (eg. meeting room, office space and equipment, motor vehicle) available for use by the CJG?</p>
Role of DJAG Regional Advisors	<p>There are 10 DJAG Regional Advisors within DJAG. Their role is to support and communicate with their assigned CJGs. Specifically, their tasks involve:</p> <ul style="list-style-type: none"> • assisting CJGs to develop proposals under the Program; • facilitating and coordinate the active involvement of other agencies (key government agencies within Regions); and • the day-to-day administration, evaluation and review of the Program. <p>DJAG also possess a number of responsibilities, including:</p> <ul style="list-style-type: none"> • efficient administration of the program; • planning, monitoring and evaluation of the program on a regular basis; • ensuring financial and project accountability of funding recipients in accordance with the <i>Service Agreement</i>; • financial assistance for the development and/or maintenance of community justice groups (subject to Program Guidelines and Service Agreements); • facilitating community involvement and endorsement of CJGs; and • participating in, and resourcing, the identification and assessment of needs and providing developmental support and assistance to funding recipients.
Relationships	<p>As depicted in the objectives and core activities of the CJG Program, it is integral that a joint effort and relationship exists and is maintained between CJGs and Government agencies. The relationships are as follow:</p> <p>Key justice related agencies and statutory workers:</p> <ul style="list-style-type: none"> • Magistrates • Corrective Services • Police • Aboriginal and Torres Strait Islander Legal Services

Roles and functions	
	<ul style="list-style-type: none"> • Legal Aid QLD <p>Justice Initiatives:</p> <ul style="list-style-type: none"> • Justice of the Peace (Magistrates Court) program • Shire Council by-laws • Murri Courts

Resources and funding	
Funding recipients	<p>As previously mentioned, DJAG provides funding to CJGs. The funds a CJG receives is dependant upon the type and range of activities they undertake. Funding recipients can include the CJG or a third party who manages the funds on behalf of the CJG. According to the CJG Program, funding recipients are responsible for:</p> <ul style="list-style-type: none"> • performance of the approved project in a manner which satisfies the terms and conditions of these Guidelines and the Service Agreement; • provision of quarterly performance report on the activities of the CJG, a financial reconciliation report and any other documentation required by the Service Agreement; • maintenance of accountability processes as required by these Guidelines and the Service Agreement; • cooperation with the DJAG in the monitoring and evaluation of the program; • complying with its constituting legislation (if any) and with all applicable Commonwealth, State and Local laws, including laws relating to Privacy and disclosure of personal information; and • Associated Freedom of Information.
Conditions of funding – for funding recipients	<p>The provision of funds is conditional upon the funding recipient complying with a number of requirements. These include a CJG maintaining the aims and objectives of the CJG Program and relationships with relevant stakeholders. They are also expected to satisfy financial and program accountability requirements and notify the DJAG Manager of Indigenous Justice Programs of any assistance approved at any time by the Commonwealth Government or any other State Department towards any costs associated with the CJG for which the funding has been made.</p>
General accountability – for service provider organisations	<p>The provision of funds is conditional upon the Service Provider organisation meeting the following requirements:</p> <ul style="list-style-type: none"> • that the Service Provider enters into and conforms with a signed Service Agreement, accepting the funding in accordance with the specified target groups, program objectives and eligible activities; • that all changes to the Service Agreement, including changes to

Resources and funding	
	<p>the program's goals and objectives, must be approved in writing by the Department;</p> <ul style="list-style-type: none"> • that any proposed transfer of funding from the Service Provider organisation to another organisation requires the prior approval of the Director-General for JAG; • that nominated departmental officers are able to visit, monitor and review any CJG funded under the CJG Program; • that the initiative for which funding has been provided commence as soon as possible and no later the four months after the receipt of funding; and • that within three months of the completion of the project, the funding recipient provide a detailed report relating their performance against the goals and objectives set out in the Service Agreement
Financial accountability – for service provider organisations	<p>The provision of funds is conditional on the Service Provider organisation meeting the following requirements:</p> <ul style="list-style-type: none"> • funds provided in categories as specified in the Service Agreement must be used for the purposes for which they were approved, and may not be transferred between categories without the written approval of the Manager, Indigenous Justice Programs, DJAG; • Service Provider organisations must maintain separate identifiable accounts to record receipts and payments for funding provided under the CJG Program or other sources within their accounting system and ensure that bank reconciliations are regularly performed and provided to the Department; • Service Provider organisations must provide to the Manager, Indigenous Justice Program, within three months after the end of the relevant funding period, an audited statement detailing all payments received from Government sources in respect of the approved initiative and items of expenditure certified by a qualified accountant who is not an officer, employee or member of the funded organisation and who is: <ol style="list-style-type: none"> (a) registered as a company auditor or a public accountant under law in force in Queensland, or (b) a member of the Institute of Chartered Accountants in Australia or the Australian Society of Certified Practising Accountants • annual Audited Statements must be prepared according to these Guidelines and be accompanied by the appropriate certification statement.
Initiative accountability – for service provider organisations	<p>The provision of funds is conditional upon the Service Provider organisation meeting the following requirements:</p> <ul style="list-style-type: none"> • participating in the monitoring and evaluation of the CJG. The

Resources and funding	
	<p>organisation will be consulted by DJAG before any review that requires its participation;</p> <ul style="list-style-type: none"> subject to General Accountability, the organisations must provide the Manager, Indigenous Justice Programs, DJAG with written information regarding the following: <ul style="list-style-type: none"> (i) proposals to change the type or scope of the justice initiative from that or which funding was provided, prior to making changes; (ii) proposals to temporarily or permanently cease a justice initiative prior to the end of the period specified in the Service Agreement; (iii) any significant changes in the CJG, such as principal office bearers, contact persons, change of address; (iv) other information as requested; that where required, all normal and appropriate insurances for CJG be taken out and maintained, including public liability insurance; that all personnel (paid/unpaid) employed by the CJG or sponsoring body in whatever capacity be the sole responsibility of that employer.
Cessation of funding	<p>If a funding recipient fails to perform or observe any of the terms and conditions of the Service Agreement and the Funding Guidelines, the Manager, Indigenous Justice Programs, DJAG may restrict payments of the funding and/or recover monies paid as a debt due and owing to the Crown.</p> <p>As outlined by the Service Agreement, payment may be suspended if the CJG has:</p> <ul style="list-style-type: none"> failed to provide the services; have expended the funding for a purpose not related to the services; have not provided a form or report by the time requiring (annual audit report, quarterly performance report, meeting minutes etc); have changed any part of the services without DJAG approval; have not provided information requested by DJAG.
Method of funding	<p>Program funds are normally allocated as annual funding, but the Service Agreement may specify an alternative method of funding. Funding may be paid by quarterly or half yearly advances and payment will be linked to the achievement of specific objectives.</p> <p>The method of payment of funding is outlined in the CJG's Service Agreement. According to the 2009 Service Agreement for Hope Vale Aboriginal Shire Council, some points worth nothing include:</p> <ul style="list-style-type: none"> the funding provided under the Agreement must be expended only for the services set out in this Agreement (core services). Funding used for purposes other than providing the services of

Resources and funding	
	<p>DJAG may be suspended;</p> <ul style="list-style-type: none"> • a budget must be prepared for 1 July 2009 to 30 June 2010, the total budget must equal the total amount of funding allocated; • any intention to vary expenditure of more than \$5,000 on a cost item in the budget requires approval from the Department; • a CJG must keep and maintain records and accounts that are necessary to provide a complete and detailed record and explanation of expenditure of the Funding and implementation and progress of the service; • where the funding is for \$10,000 or more, a CJG must provide DJAG with an annual Audit Report in respect of the income and expenditure of the funded organisation.
Process for applications and approvals for funding	<p>Applications for funding under the CJG Program should be made to the Manager, Indigenous Justice Programs, DJAG. Applicants must produce the following:</p> <ul style="list-style-type: none"> (i) a detailed description of the proposed CJG (ii) a complete budget showing support from other sources, including any contribution by the organisation and details of all personnel involved <p>These will be assessed by the Manager, Indigenous Justice Programs, DJAG, according to the stated criteria and with regards to other applications. Approvals for funding of CJGs will be made by the Director-General on the basis of recommendations by the Manager, Indigenous Justice Programs.</p>

Performance and framework	
Performance indicators	<p>DJAG has set a number of performance indicators which are used to monitor and evaluate CJGs' progress and activities. These performance indicators are also expressed within the service agreements. They include:</p> <ul style="list-style-type: none"> (a) number of referrals from the magistrate and submissions presented to the court; (b) number of communities or initiatives directly benefiting from the program including the identification of statistics illustrating the reduction in arrests and court appearances; (c) reported community response to the performance of the justice group assisting offenders before the court; (d) reports on the program from other Departments and community organisations; (e) number of community orders, mediations and other orders from the court undertaken by the community justice group; and (f) cost savings to State government agencies generated by CJGs.

Sources:
 Community Justice Group Program Guidelines 2009-10

D History of the CJG Program

D.1 The 1990s

The first “Community Justice Groups” were established in 1993. During this time, the CJG Program was supported by the then Corrective Services Commission, and CJGs were first piloted at Palm Island, Kowanyama and Pormpuraaw.

The role of the first CJGs was to supervise offenders on community-based supervision orders. By engaging local community members to supervise offenders in the community, it was viewed that over time this non-incarceration strategy would reduce incarceration and criminal justice system contact. Members of the CJGs assisted in the supervision of the offenders and played a role in providing forms of personal support for offenders, victims and their families.

In 1998, the Queensland Government established the first Department of Aboriginal and Torres Strait Islander Policy (DATSIP). Management responsibility for CJGs fell under this new agency’s direction. Through its Local Justice Initiatives program, DATSIP was the lead Queensland Government agency responsible for implementing effective intervention for people at risk of criminal justice involvement. A key focus of this initiative was the implementation of local solutions which empowered local community members to combat crime, and groups such as CJGs aligned with this focus.

By the late 1990s, CJGs’ roles were recorded as developing strategies to address underlying issues relating to anti-social and unlawful behaviour. DATSIP released an *Interim Assessment* in 1999 which considered the potential and effectiveness of CJGs of reducing Indigenous people’s contact within the criminal justice system. This assessment concluded that CJGs had developed highly effective activities in addressing social and community issues without the direct involvement of the justice system.

CJG activities included the implementation of strategies that involved addressing underlying causes of crime as well as community approaches to manage such issues. Strategies involving the justice system consisted of:

- bail condition compliance;
- referral to CJG rather than police charge;
- maximisation of community-based orders as a prison alternative;
- parolee support; and

- prison visits, as well as the development of initiatives to use as diversionary options, such as work skills and cultural programs (131).³⁷

D.2 The 2000s

Public commentary by prominent Aboriginal and Torres Strait Islander academics, representatives alongside academic studies and reviews about dire social and economic conditions amongst the State's Indigenous population, increasingly focused the Queensland Government's attention on seeking policy and program solutions to improve the health and community well being in discrete communities.

During 1999 to 2002, a number of high profile reports were conducted and released spotlighting the level of violence, alcoholism and incarceration rates amongst some of the most remote Indigenous communities in the State. The impact of such reports is widely documented, such as the *Aboriginal and Torres Strait Islanders Women's Taskforce on Violence Report* and the *Cape York Justice Study*, on the direction of Government policy, legislation and programs across areas such as alcohol management, family violence and social support services amongst Indigenous communities. As part of these new initiatives, the role local Indigenous justice initiatives, like CJGs, could play in reducing social harm and crime, gained momentum.

CJGs were viewed as a key plank in the roll out of new legislative and program responses to reduce levels of harm and crime associated with the consumption of alcohol, and the rate of criminal justice system contact. Between 2000 and 2002, the following events impacted on the CJG Program.

- In 2000, amendments under the *Penalties and Sentences Act 1992 (Qld)* enshrined the work of CJGs around court processes and working with offenders already in the criminal justice system.
- In 2001, the first *Indigenous Justice Agreement* was signed between Government and Indigenous Queenslanders with a goal and with targets, to reduce the over-representation of Aboriginal and Torres Strait Islander persons in the criminal justice system. Under this agreement, CJGs were seen as a key vehicle that work locally to prevent crime and support community based justice initiatives.
- In 2002, the Queensland Government implemented *Meeting Challenges Making Choices* (MCMC). With a central focus on Alcohol Management in discrete Indigenous communities, the CJG Program was legislated under the *Aboriginal and*

³⁷ (Evaluation of the Queensland Aboriginal and Torres Strait Islander Justice Agreement, 21/11/05 Professor Chris Cunneen, Ms Neva Collings, Ms Nina Ralph, Institute of Criminology, University of Sydney Law School)

Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984 and Liquor Act 2002. CJGS were granted the role to develop and monitor Alcohol Management Plans (AMPs) in discrete communities, emphasising their role as social change agents in communities.

The above key points clearly show that over a three year timeframe, the CJG Program had morphed from a community based justice response, to one of crime prevention and community decision maker under legislation. At this point, each CJG was provided funding to appoint one Coordinator only, however funding for diversionary and/or any other court related activities delivered by CJGs in their efforts to reduce crime was not provided.

D.3 Local Status – discrete communities

Since 2002, with CJGs' role in relation to alcohol management under law, the status of CJGs was elevated as groups became the key consultation and advisory point within the community on health and well-being for Government. When Government, under MCMC, took steps to implement alcohol restrictions under the advice of CJGs, local elected Indigenous Councils at times held opposing views about the contents of the AMPs and local tensions between CJGs with Councils emerged.

With the elevated status of CJGs, complete with protections for volunteer members under legislation, the program morphed from being a volunteer/community based program which supervised offenders, to one now that was also advisory and preventative.

D.4 2006 - Transfer of CJG Program to Department of Justice and Attorney General

In 2006, the CJG Program with regional staff were transferred from former DATSIP to the Department of Justice and Attorney General. The evaluation understands that by 2006, some 42 CJGs had been established around the State.

DJAG identified the alignment of the CJG Program with its agencies' business, and stated that CJGs were a means to countering the imbalance existing between Aboriginal and Torres Strait Islander people being a minority of the Queensland population and being seven times more likely to be imprisoned than their non-Indigenous counterparts.³⁸ The CJG Program contributed to DJAG's achievements in improving services to vulnerable people in the justice system.

The agency acknowledged the role of CJGs at the reactive end of the criminal justice system, in the courts process, particularly relating to providing submission for

³⁸ Queensland Government Department of Justice and Attorney-General Annual Report 2006-07.

sentencing. The agency also continued to support CJGs' efforts to prevent crime in communities. The agency provided additional funding to establish new CJGs and offered training and support to CJGs in:

- 1 Court processes;
- 2 court submissions to court;
- 3 conflict resolution; and
- 4 Governance and administration.

D.5 Alcohol reforms

In 2008, the Queensland Government embarked on a further round of Alcohol Reforms with the discrete communities. The Alcohol Reforms initiative again placed CJGs, with their statutory role in relation to alcohol management at the centre of advice and options to Government about further alcohol restrictions in communities.

The State Government also worked in partnership with the Federal Government and the newly established Cape York Partnerships Institute to establish what is known today as the Family Responsibilities Commission in four communities across Cape York.

D.6 Conclusion

The journey of the CJG Program since 1993 highlights the shift in role and agency management of the CJG Program over 17 years. Not only is the time span of this community based program lengthy, over this time, the number of CJGs has increased substantially from 3 to 52. The CJG Program has remained a volunteer community based initiative, with responsibility for activities across the program continuum – from prevention, diversion to reaction. Page 20 details the CJG Program timeline and the development of the program amongst rapidly changing policy, legislative and program responses to combat Indigenous social disadvantage in Queensland.

The history clearly indicates the reasons for the current range of perceptions on the purpose and goals of the program across stakeholders. During this evolution of purpose and goals there has been limited success in rationalising the focus of the program to achievable proportions within available funding. The Department of Justice & Attorney General is faced with the dilemma of meeting past expectations and current needs, and to decide on the best direction to achieve the hopes of government and stakeholders.

E Summary of stakeholder consultation themes

E.1 Government agencies

From information collected from CJGs locally and under the conditions of the DJAG Service Agreement, it is clear various State Government Departments interact with the CJG Program.

The level and nature of contact and communication differs according to the activities and tasks the CJG performs for agencies. KPMG was requested to interview eight Government agencies. Representatives from agencies included:

- Aboriginal & Torres Strait Islander Legal Service (ATSILS)
- Aboriginal & Torres Strait Islander Services (ATSIS/Department of Communities)
- Office of Regulatory Policy – Indigenous Policy Branch/Department of DEEDI
- Queensland Department of Premier and Cabinet (DPC)
- Queensland Police Service (QLD Police)
- DJAG - Courts Innovation Program Unit
- DJAG - Strategic Policy Area
- Child Safety Services (Department of Communities)
- Correctives Services (Department of Community Safety).

All Government representatives were granted an interview of up to two hours and all were provided with the Government Agency questionnaire prior to interview. The following table summarises the key information collected at these interviews.

As outlined in the table below, there was variation and diversity in responses between Government agencies, both centrally and regionally. Such variation in response highlights the differing roles and functions agencies attribute to CJGs at local levels to meet local circumstances.

AGENCY	HOW THEY INTERACT WITH CJGS	WHAT THEY PERCEIVE AS CJGS' FUTURE ROLE
Central Government Agencies		
ATSILS	<ul style="list-style-type: none"> • ATSILS legal officers work with CJG at a local level as part of court preparation/ processes with offenders • ATSILS are an invited member of the State-wide Reference Group every 3 to 6 months • General support for the CJG Program 	<ul style="list-style-type: none"> • Could inform law reform and law and justice policy • Important to clarify what the role of CJG members are in the courtroom and communicate this to stakeholders
ATSIS	<ul style="list-style-type: none"> • CJG Program was managed by former DATSIP • CJGs are a key consultation body for this agency, particularly when the agency is developing policy options/strategies regarding alcohol management, family violence, law and order matters in discrete communities • CJGs are invited to attend organised Negotiation tables/CEO Champion consultations in communities • CJGs are central to the current Indigenous Justice Strategy. 	<ul style="list-style-type: none"> • Ongoing role in advising Government on local justice initiatives including alcohol management (Statutory Groups) • Participating in community based initiatives to reduce offending • Helping uphold traditional values in communities • Future role in the development and monitoring of local level crime prevention planning
	<ul style="list-style-type: none"> • ORP consult with CJGs in alcohol restricted areas as per the Liquor Act (1992) • ORP consider the CJG recommendations regarding alcohol management, carriage limits and licensing conditions in the community (statutory groups only) • ORP liaise with the CJG State-wide Reference Group regarding alcohol management matters 	<ul style="list-style-type: none"> • A continued role in providing community input into alcohol management/licensing matters in communities • ORP would like to establish ongoing communication and regular meetings with CJG State-wide Reference Group
DPC	<ul style="list-style-type: none"> • DPC have no direct involvement (program management of policy input) with CJGs • DPC play a central policy coordinating role and understand CJGs and their views inform Government policy in the area of law and justice 	<ul style="list-style-type: none"> • Build flexibility into the service agreement • Strengthen CJGs' role in the crime prevention arena – especially in discrete communities • CJGs could undertake a case management style, community development model, local specific

AGENCY	HOW THEY INTERACT WITH CJGS	WHAT THEY PERCEIVE AS CJGS' FUTURE ROLE
		initiative or a stage approach depending on the functionality of the group
QLD Police	<ul style="list-style-type: none"> Sometimes liaise with CJGs in relation to offenders who may be in custody or in the watch house Police mainly interact with CJGs at a local level 	<ul style="list-style-type: none"> Government departments need to work together Need a clearer role of CJGs in courts and for the role to be defined in terms of prevention vs reaction Police cannot grant QP9 access to CJGs. CJGs can gain access through the defendant with their consent but this process should be clarified in legislation
JAG – Dept Justice Courts Innovation Program	<ul style="list-style-type: none"> Central program manager for administration of the program – funding, program advice and training Facilitate the SWRG 	<ul style="list-style-type: none"> Potential permanent staff role in courts CJGs could work across many different courts Working in justice portfolio – around courts , to working with QPS and DCS – this may result in contribution of other agencies to improve resourcing of CJG activities Continue the SWRG but clarify this groups role Providing evidence based advice to Government on court process to broader justice matters
JAG – Strategic Policy Area	<ul style="list-style-type: none"> Create policy and reviews legislation that affects CJG activities and actions Can visit communities to gauge CJG roles and responsibilities on the ground Reliance on CJG to provide link with community due to their cultural competence 	<ul style="list-style-type: none"> Statutory and non-Statutory CJGs fall under one umbrella Legislative role to define responsibilities and roles and provide protection for members within their roles
Child Safety	<ul style="list-style-type: none"> Interact formally with CJGs Sometimes seek advice from CJGs Aware they are a recognised entity and operate similar to REs 	<ul style="list-style-type: none"> Need to clarify the relationship between the courts and CJGs. The creation of a model for the courts should be created that defines the role of CJGs within the court system Clarify the role of CJGs in responding to the best interests of the community or individuals

AGENCY	HOW THEY INTERACT WITH CJGS	WHAT THEY PERCEIVE AS CJGS' FUTURE ROLE
Corrective Services	<ul style="list-style-type: none"> Engage CJGs to help locate offenders under community based court orders 	<ul style="list-style-type: none"> Need to clarify their role Continue to work with CJGs – supervision of community based court orders
Local Government Agencies		
Local Community Police	<ul style="list-style-type: none"> Matters that police interact with/refer to CJGs– AMPs, sentencing, statements/ submissions for courts, victim impact statements, bail applications, bail hearings, integration of prisoners back into the community, intervening and talking to people if they are getting into trouble to avoid charges, work in relation to AMPs, and membership on committees CJGs have been known to be assist in stand off/ siege situations (identifying the family dispute/ structure). Police will refer to the CJG for a mediator role In some communities, local police deal with CJGs on daily basis, others can be a weekly meeting CJGs are important to police to function locally – CJGs provide community and social services, strengthen justice roles and establish standing in the community. They are often beneficial for police to use to help disseminate messages Police use CJGs to help assist the offender in understanding justice issues and relevant legislation CJGs act as intermediaries between the police and the community Assist police to resolve local issues as well as emerging issues in the community The police see the role of the CJG as being involved proactively in activities that drive prevention and early intervention 	<ul style="list-style-type: none"> The further development of a mediation role and training to assist They would be more effective if they were seen as an independent service, with more suitable / representative group members. They need to have a better mix of culture and opinions and, therefore, minimise adversarial internal tensions Suggested that the CJG could possibly be used in an independent witness capacity They could possibly also provide more assistance to the victims of crime Contribute more to local crime prevention initiatives

AGENCY	HOW THEY INTERACT WITH CJGS	WHAT THEY PERCEIVE AS CJGS' FUTURE ROLE
Police Prosecution	<ul style="list-style-type: none"> The CJGs generally do not have any interaction with the police prosecutor Minimal interaction with CJGs – only experience is within the Murri Court A 'meet and greet' relationship exists between prosecution and members of the CJG, prosecution members do not contribute to CJG activities Prosecutors believe it is appropriate they remain independent from CJGs as their role is not to work with defendants 	<ul style="list-style-type: none"> Focus needs to be directed towards victims and preventative measures Involvement in rehabilitation programs
Probation and Patrol	<ul style="list-style-type: none"> CJGs are the local eyes and ears for the Department by providing information on what is going on regarding community and cultural matters, and to assist in finding community members (offenders) Refer to the CJG for informal cultural counselling and to help manage orders in the community, including parole, probation orders, intensive correction orders and community service orders They require the CJG (especially in the outer Islands) to help comply with the conditions of orders Communication and rate of response between probation and parole representatives and CJGs can be difficult and slow Can liaise quite closely with CO of CJGs in relation to court procedures (making sure that people turn up on the day, liaising with the community and making representations for people) Experience with CJGs varies across communities and within communities CJG work with police and prosecutors Sometimes use the CJG Coordinator to locate people for court proceedings 	<ul style="list-style-type: none"> Would like to see the CJGs co-facilitate training programs, so that they are more culturally appropriate Support for the CJG Program to continue locally and expand CJG role to provide more youth / juvenile services. The CJG could be more involved in prison visits Elders to be more involved in working with/ meeting with offenders, e.g. Elders accompany offenders to interview to provide support More resources and training to allow CJGs to undertake mediation Would like to see Elders become involved in providing some training (in conjunction with other service providers – adding a level of cultural appropriateness to the content) in order to stop offending and family violence A holistic approach to offender management, services coordinated through a 'one-stop-shop' which involves all stakeholders

AGENCY	HOW THEY INTERACT WITH CJGS	WHAT THEY PERCEIVE AS CJGS' FUTURE ROLE
DJAG Regional Advisors	<ul style="list-style-type: none"> The CJGs primarily work with the courts through the DJAG Regional Advisor Regional Advisors do not necessarily oversee the day to day running of the CJG Program (manage courts, staffing, budget etc) Provides local support and acts as a sounding board for any issues Can interact with the CJG Coordinators in order to set up logistics for magistrates courts in communities – the CJGs are vital in helping to organise courts and undertake general logistics Visit CJG communities and receive regular reporting in relation to performance metrics Assist the CJG and coordinator in building capacity to apply for funding for other services that they can provide, so they can deliver specific / targeted programs 	<ul style="list-style-type: none"> CJGs could / should undertake the JP training course CJGs should not be providing legal advice (which is seen as a risk) Room for the provision of mediation, counselling and youth conference services There may also be room to provide other services related to domestic violence, cell visits and night patrols (partnering with other groups) Opportunities to develop more effective referral pathways with other local services that are available CJGs should not be supervising probation orders CJGs could liaise more closely with other offender and victim support services to better tailor the programs that they deliver
Government Coordination Officers	<ul style="list-style-type: none"> CJGs undertake a service provider role for government agencies, government agencies may receive informal and formal referrals from CJGs Government Coordination Officer can work together with CJGs to implement diversionary activities in the community CJGs often undertake an advisory role (advisory is distinct from justice) 	<ul style="list-style-type: none"> More focus on youth, e.g. Youth Murri Court More focus on victim support Prevention/ early intervention to be core business Fee for service model Create a mediation officer role which is paid and trained (a community member, not external). The opportunity for a 'real' job with training and development to support the role and to fill in some of the activities CJGs do. Exclusively an opportunity for community members, not outsiders
Local Councils	<ul style="list-style-type: none"> Do not always directly interact with Councils CJGs important as they are a community based group 	<ul style="list-style-type: none"> CJGs should conduct regular workshops for community members in areas such as the justice system, consumer affairs and rights, parolee responsibilities and other related legal matters Create a formal relationship between CJG and Council Meetings between CJGs and Councils on

AGENCY	HOW THEY INTERACT WITH CJGS	WHAT THEY PERCEIVE AS CJGs' FUTURE ROLE
		<p>a regular basis to report their activities so that it is able to be discussed and opportunities for mutual assistance to be identified</p> <ul style="list-style-type: none"> • Greater opportunities for younger people to participate in the CJG so that they are better represented • Improve relationships between the elected community representatives with local CJGs

E.2 State wide reference group

This evaluation hosted two workshops with the Community Justice SWRG between the 17 and 18 August 2010 in Brisbane. At the workshops, SWRG members were randomly divided into four groups ensuring regional, remote, metropolitan and urban-based members were intermixed in order to gauge all perspectives. Each group were provided with a set of key questions under eight identified emerging key themes:

- Roles and Functions;
- Effectiveness/impact of the SWRG (including how your impact should be measured);
- Membership;
- Training;
- Accommodating regional and location differences;
- Communication with other CJGS and other agencies;
- Resources;
- Future options.

The following table depicts each key theme, correlating key questions and the SWRG answers.

KEY THEMES	KEY QUESTIONS	SWRG ANSWERS
Roles and functions	What do you think the role and functions of the SWRG are?	<ul style="list-style-type: none"> To represent the other CJGs from a particular region To voice the issues & concerns of the CJGs To provide feedback from forums
	What do you see isn't the role and functions of the SWRG?	<ul style="list-style-type: none"> To present only certain views that may only be relevant to certain CJG To not be representative of your region. What works for some doesn't work for others We are not an enforcement agency, taxi service or play an ATSILS role
	What are some of the challenges you face in your role with the SWRG?	<ul style="list-style-type: none"> Due to distance, communication is difficult between CJGs Response time from DJAG and other government departments regarding issues of concern found to be wanting JP court – CJG members acting in role of JP can be a conflict of interest Performance indicators do not recognise our terms of reference Skills in communication training Lack of transparency – trusted relationships Safety of CJG members
Effectiveness/imp act of the SWRG	How effective has the SWRG been?	<ul style="list-style-type: none"> Very effective in terms of changes in legislative matters, some done and some still in progress Can only get better, passion driven There is a lot of built up frustration, issues are often not brought to DJAG unless by SWRG Rating of 25% effectiveness as nothing really changes on the ground Effective in terms of awareness of stakeholder issues
	What impact have you had as a group on influencing Government on CJG matters? (any e.g.s?)	<ul style="list-style-type: none"> Improved networks with government agencies & stakeholders to have matters resolved and to have better outcomes for our communities Provide programs suitable to meet community needs

KEY THEMES	KEY QUESTIONS	SWRG ANSWERS
		<ul style="list-style-type: none"> • Matters have been resolved resulting in better outcomes for communities • Politically we have put justice issues on the table and moved forward in some communities • However, Government need to act to close the gap • Fee for service has not progressed • We respond to agenda • Able to determine what we can do to move forward • A stakeholder accountability framework • CEO and executive established
Membership	Do you think the membership are representative of the QLD CJGs (Why/Why not?)	<ul style="list-style-type: none"> • Yes, as regions vote for their representative
	How do you think members should be selected?	<ul style="list-style-type: none"> • Voting system
Training	What type of training did you receive as SWRG member?	<p>Some members expressed that they had received minimal training under their CJG role, including:</p> <ul style="list-style-type: none"> • Governance • Mediation • JP & JP Magistrate <p>The following is a list of training that is needed:</p> <ul style="list-style-type: none"> • Policy & procedure • Policy writing • Basic law and legislative writing • Government policy and procedure • Anger management • Governance • Mediation • Submission writing 'funding' • Court policy and procedure • MyOB/quickbooks

KEY THEMES	KEY QUESTIONS	SWRG ANSWERS
	What type of training do potential members need to prepare them for the SWRG?	<ul style="list-style-type: none"> • Governance • JP Magistrate training • Court policy & procedures • Court jargon (language) • Government policy & procedures • Submission writing • Mediation
Accommodating regional and location differences	What are the regional and location differences the Government needs to take into account for the future funding/resourcing of CJGs?	<ul style="list-style-type: none"> • Office accommodation, vehicle & equipment • Identify the nature of regional, discrete, remote, rural, urban groups & metropolitan • Safe housing & accommodation • Support costs of leasing • Areas covered by CJG and travel times involved • Access to Infrastructure & resources
	Should the program 'look the same' in every location? What are the core elements of the CJG Program?	<ul style="list-style-type: none"> • No – due to geographical location of the CJGs and every community is different <p>Core elements:</p> <ul style="list-style-type: none"> • Court support • DJAG staff • Corrections police • Other agencies • Providing advice & support to court, police, JAG, stakeholders and families • Providing recommendations to AMP matters
Communication with other CJGS and other agencies	How often do you talk to/discuss issues with your CJGs that you represent?	<ul style="list-style-type: none"> • Outer region islands – no representation (centred around the courts and use email/phone regarding the sharing of information and action) • Issues are not addressed and no outcomes in close proximity areas • No interaction with RA – left to themselves • Access to technical knowledge – now have email creating the opportunity to meet and share information • Sometimes make visits with the RA to other CJGs

KEY THEMES	KEY QUESTIONS	SWRG ANSWERS
		<ul style="list-style-type: none"> • Phone & email communication between SWRG • Forums for groups – funded by JAG or CJG
	What are some of the issues CJGs have raised with you in the past?	<ul style="list-style-type: none"> • Insurance • Child safety • RAs • Cell watch • Street patrolling • Access QP9s • Res • Mediation • Criminal history checks • Aboriginality • Transport • Public trustee • Redress stolen wages • FRCs • Auspicious bodies • Conflict of interest • Translators • AMPs • Funding • Legal matters
	Do the SWRG representatives liaise/attend any other agency meetings?	<ul style="list-style-type: none"> • Magistrates • Court stakeholders • Community stakeholder meetings • Negotiation table • Child protection • Health forum • Youth justice • Community forum • PCYC • Council • Alcohol reform • Housing action • Incorp club/sports groups

KEY THEMES	KEY QUESTIONS	SWRG ANSWERS
Resources	Is the existing level of resourcing sufficient for the SWRG? Why/why not?	The consensus is no, for the following reasons: <ul style="list-style-type: none"> • Need more regional meetings • Need more support from RA, regional manager and other stakeholders of SWRG • Would like to know how stakeholders filter information from SWRG through their departments
	What resources are available to the SWRG members?	<ul style="list-style-type: none"> • SKYP & email • D JAG • Other SWRG members • Partnership members
Future options	What should the future role of SWRG be?	<ul style="list-style-type: none"> • To influence policy to affect legislative change for law and order issues • Legislative role • Advisory body to State and Federal governments • To be recognised & supported in our roles & functions of CJGs • To be recognised as the peak organisation in terms of our roles and functions as afforded by Government
	What resourcing will it require?	<ul style="list-style-type: none"> • Creation of a peak body (State Secretariat) • Staffing • Reinforcement of legislative responsibilities assigned to the justice initiatives program & CJGs • Programs & CJGs • Regular meetings of SWRG & executive

The responses to these questions provide a valuable insight into how the SWRG sees its role and what it has focused on at its meetings. As evidenced in responses outlined in the preceding table, SWRG members' responses are consistent with terms of reference B, C and D in particular.

F CJG Performance Data

This is a summary of CJG Performance extracted from the CJG Financial and Performance Reports provided to the evaluation. This summary highlights the spread of results the unreliable performance data currently delivers.

CJG Performance		
Criteria		Spread of results
Expenditure composition (as a percentage of total expenditure)	Salaries	43 – 93 per cent
	Rent	1 – 21 per cent
	Motor Vehicles	1 – 21 per cent
	Training	1 – 4 per cent
Service activity data	Court Submissions	16 – 252 submission
	Court Days Attended	8 – 260 days
	Offenders Assisted	16 – 702 offenders
	Victims Assisted	4 – 702 victims

F.1 CJG and local police survey returns

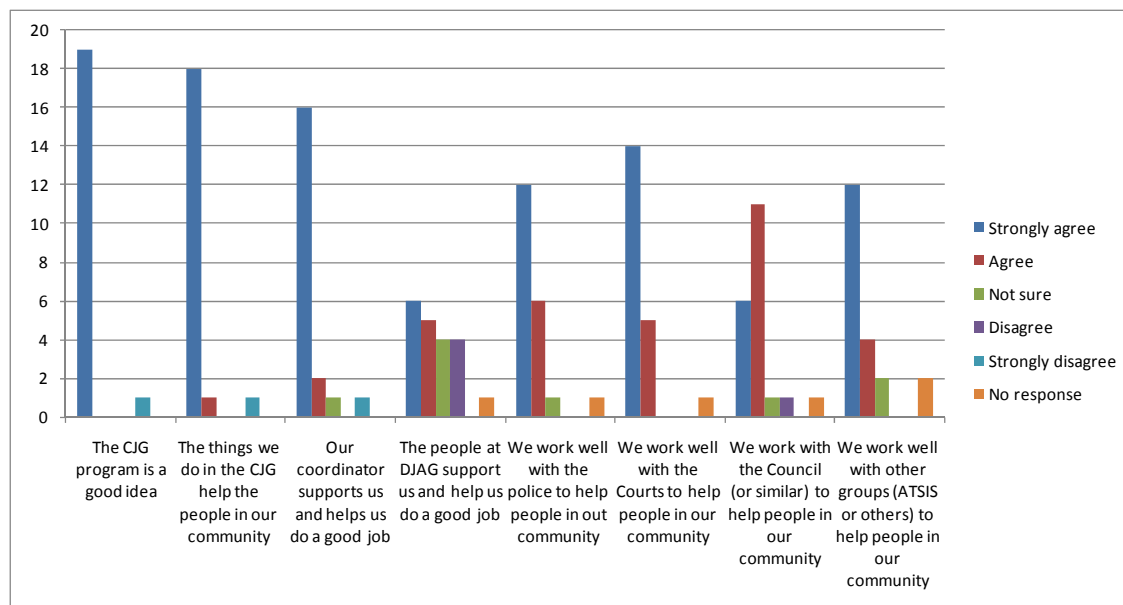
During the consultations, CJGs and police were asked to respond to a series of statements in addition to more open-ended prompts. The responses were captured through a Likert-Scale (describe a bit more – provide an example). KPMG received 20 responses to the Community Justice Group survey.

Figure 5 below shows the response of CJGs to the following statements:

- The CJG Program is a good idea
- The things we do in the CJG help the people in our community
- Our coordinator supports us and helps us do a good job
- The people at DJAG support us and help us do a good job
- We work well with the police to help people in our community
- We work well with the Courts to help people in our community

- We work with the Council (or similar) to help people in our community
- We work well with other groups (ATSIS or others) to help people in our community.

Figure 4: CJG responses to statements during consultations

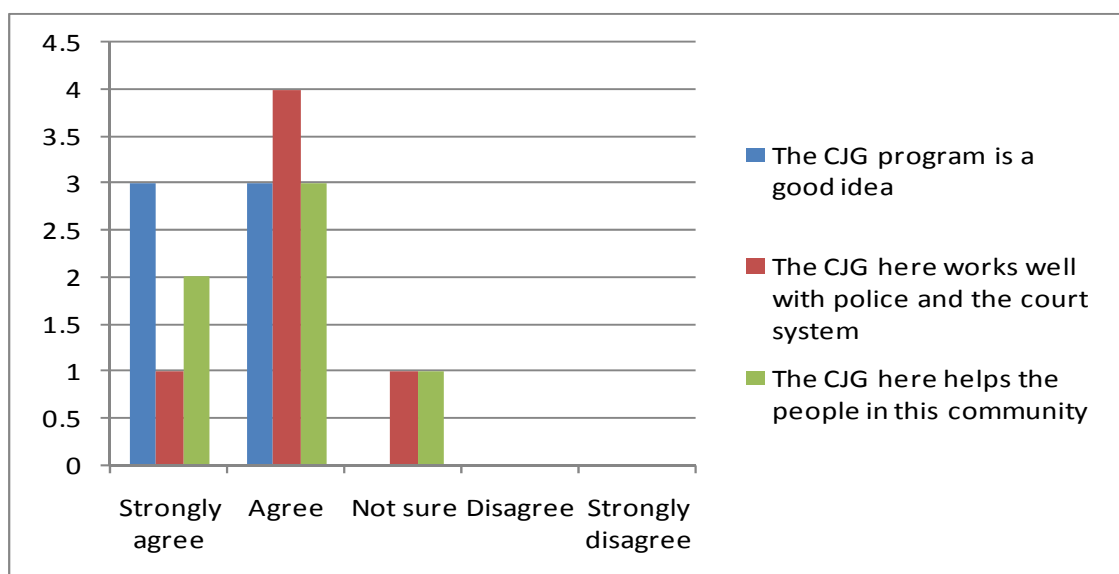


It is evident that the majority of members strongly agree that the program is a good idea, the things CJGs do help people within the community, and the coordinator supports CJG members and does a good job. However, it should be noted that one CJG strongly disagreed with these questions. Approximately 55 per cent of the respondents reported that DJAG support CJG members to do a good job, while about 80 per cent believe they work well with other groups. It is clear that CJGs agree they work well with the police and courts with over 90 per cent of responses strongly agreeing and agreeing with these questions. The only non-responses related to questions outlining how CJG work with other stakeholders, however, only one to two CJGs answered this way.

The figure below shows the response of community based QPS members to the following statements:

- "The CJG Program is a good idea."
- "The CJG here works well with police and the court system."
- "The CJG here helps the people in this community."

Figure 5: QPS responses to statements during consultations



Overall, local police were positive regarding the CJG Program, how it works with police and the court system, and how it helps people in the community.

There were six responses from local police to this survey. It must be noted that one local police group only agreed to question 2 and strongly agreed with question 3 in regards to the coordinator only. No police group disagreed or strongly disagreed with the questions. There was only one police group that was unsure about answers to question 2 and 3 (Conflicting or duplicating programs).

G Case Study No. 1: The coordinator

The CJG Coordinator sees the role as restricted to purely justice system issues, and is happy to provide assistance to police and ATSIL as required. He remains neutral with respect to community politics, which is seen in a positive light in the community. His reticence to engage in community issues seems to limit his capacity to engage with other programs, and access other funding that might be available.

The group members seem to have no active role with the CJG. People don't turn up to meetings and do not participate in any group activities, possibly due to politics and also due to other commitments. The Coordinator identifies this as an issue, but also seems reluctant to really address it. Communication with members is by letter, which probably doesn't help community members get involved.

Stakeholders report that the Coordinator is doing a good job. Funding was identified as a major issue and barrier by various people, particularly the lack of a vehicle, poor office facilities and accommodation problems. It was also reported by a government agency that the group used to function quite well and has the capacity to function well.

H Case Study No. 2: The CJG members

The Group is very active, providing advice to community members in the lead up to Court and providing submissions to the Court. The group also supervise community service orders on behalf of Corrective Services. The coordinator also undertakes a lot of administrative tasks on behalf of community members.

The Group has three active members, all elder ladies. Members play an active role in both justice related matters and in volunteering their time for various community development and diversionary programs. The group meet formally on a monthly basis but attend the CJG office on a daily basis to ascertain current issues and provide advice to the coordinator.

The Coordinator is an Aboriginal woman who lives close by, but is not a community member herself. This works well because, although she is well known and trusted, and understands community issues, she is also seen to be impartial.

The group sees itself as playing an integral role in the community in relation to justice related issues, but also in relation to community cohesion and development.

Stakeholders see the group as performing a vital function in the community. One stakeholder described the group as being vital to their agency. Another describes them as being a 'shining light' compared to other Community Justice Groups they deal with.

There are concerns that Group members become too involved in community arguments which can sometimes escalate to violence. Sometimes police are not available in the community and the Justice Group seem to act as peacekeepers when the police are not available. There are concerns about the safety of this arrangement. Although some people complain that the Group members favour their own family, other stakeholders actually disagree and think they are very fair and impartial.

The main issues faced by the group are that the three active members are all older women, who have other responsibilities and would like to be building up some younger members to take on a more active role. However young people are not interested in being on the Justice Group, they don't see it as desirable position because there is no pay and community members get angry with the CJG sometimes.

There are also some problems with lack of funding, for example the group gets no funding to manage the community service orders – to buy equipment or materials for the work that needs to be done.

One of the big issues seemed to be that because the community is relatively small many services are not located there or delivered there as regularly, and so it falls to the Justice group to fill those gaps.

If it was known that CJGs members received some payment for their time and services and if it was known that they also had access to training and activities people might be more likely to want to get involved. If there was some more funding available to pay for training, provide some pay for members in recognition of their role that would really help a lot.

I Case Study No. 3

The Justice Group has three active members, all elder ladies. Members play an active role in both Justice related matters and in volunteering their time for the women's centre and associated programs such as cooking and weaving classes which are designed to address social problems in the community.

The group meets formally on a monthly basis but attend the CJG office on a daily basis to ascertain current issues and provide advice to the coordinator.

The Group is very active and have good relations with most agencies although there is some tension with the Council. It seems that the Council may feel threatened because the CJG has primary responsibility for the Alcohol Management Plan.

The CJG has a formal agreement with Corrective Services to monitor people on community-based orders, and stakeholders report that they do a good job of this. The CJG tries to ensure that people do community service rather than have to pay SPUR fines. Corrective Services do not provide any funding for this and do not even provide basic equipment like lawn mowers.

Members sit in on Court hearing to both advise the presiding Magistrate on issues that are impacting on the defendant but also to lecture/instruct the defendant as Elders and community representatives.

The members assist the Police through mediation with family groups especially when fighting within the community happens. This is where mediation training has been identified as a need. The Coordinator advised that she is currently undertaking mediation training through the Department of Justice however at a cost of \$1800, which comes out of the CJG annual budget. Considering the apparent importance of this training it seems appropriate that DJAG provide some training allocation for CJGs.

Gambling is a big issue in the community and the group are using the Women's centre as a means of diverting the women to other activities such as cooking classes, basket weaving and gardening.

Although it was reported that some people think the CJG favour their family, the police stats actually show that that is not the case and police do not agree with this at all.

The group is unable to attract more members as the CJG have a difficult job which other people don't want to take on, particularly in the absence of any payment or recognition. The Group have used their own budget to purchase t-shirts which they wear to Court.

J Case Study No. 4: The magistrate and the repeat offender

It was going to be a busy day in court when the Magistrate looked down the court list. The magistrate saw one of the names and remembered that this offender had appeared before the Court previously in the past year. The Magistrate was feeling frustrated that it appeared the same offence, with the same circumstances leading up to it, had occurred again. The offence was serious in nature and could have resulted in people being killed and/or badly hurt.

The local CJG members had reviewed the relevant documents for the repeat offender and had spoken to the offender prior to Court day and prepared a draft submission. On the morning of Court, members of the CJG met again with the offender and “yarned” to him about why the offence was committed again and to check the offender understood what the court day was going to entail.

The offender was not from the location where the offence occurred, but there were some CJG members who had managed to obtain from the offender information about where the offender’s family was. The offender appeared very sad and shy, but the CJG members had managed to establish some rapport. The CJG members had located and spoken to family members to try and obtain more information about why the offender was continuing to behave in the manner they were in the days leading up to court.

When the CJG had finalised its submission and submitted it to the Magistrate in court, they provided additional cultural and contextual information that neither the prosecution or defence presented, as the offender had not revealed what was causing the behaviour because of the amount of shame the offender was feeling.

From the Magistrate’s perspective, the information the CJG provided was invaluable as it provided a solid explanation about why the offence occurred again, and what local programs were available that could assist this offender to address the real cause of their behaviour. Without this additional information provided by the CJG, the Magistrate could of sent this “offender to prison”, but in the end didn’t.

To this day, the Magistrate thinks about this particular offender and reflected that without the additional information the CJG provided, the offender would most likely have been sent to jail with the real causes of their behaviour not addressed.