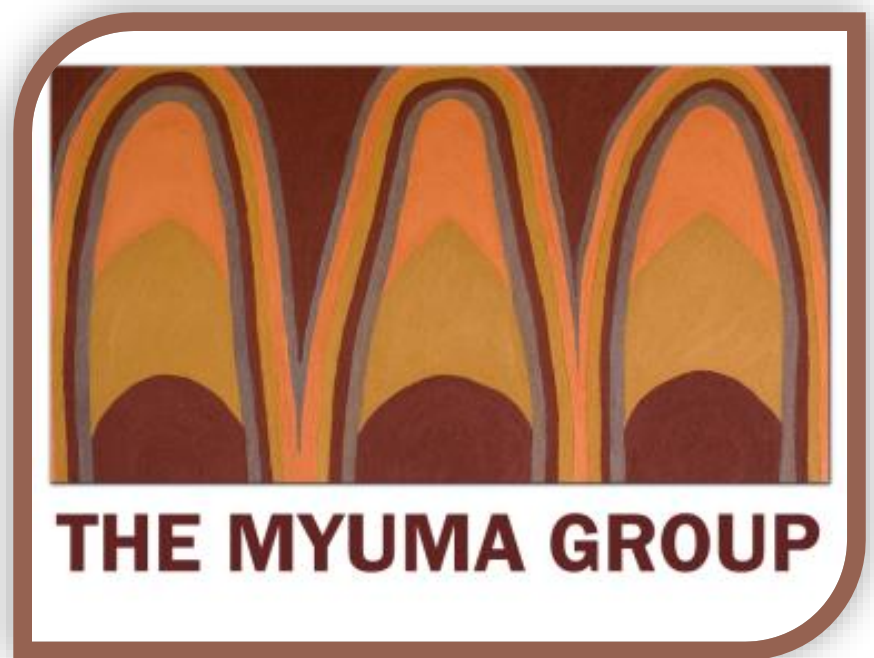


PHASE 1 REPORT:  
Evaluation of Community Justice Groups



November 2021

## Table of Contents

<b>Executive Summary .....</b>	<b>5</b>
<b>Phase 1 recommendations.....</b>	<b>12</b>
<b>1 Introduction.....</b>	<b>16</b>
1.1 Purpose of this report .....	16
1.2 A short history of Community Justice Groups in Queensland .....	16
1.3 Community Justice Groups – the community story .....	18
1.4 A new era for the CJG Program .....	21
1.5 Indigenous over-representation in the justice system.....	25
1.6 The importance of an evaluation at this time .....	32
<b>2 The evaluation process .....</b>	<b>33</b>
2.1 Background.....	33
2.2 Evaluation objectives .....	33
2.3 Evaluation Scope.....	33
2.4 Evaluation method.....	35
<b>3 Inputs: What is being invested in the CJG Program? .....</b>	<b>39</b>
3.1 Introduction.....	39
3.2 Program purpose .....	39
3.3 Summary of Program inputs – what is invested in CJGs .....	39
3.4 INPUT – Funding to CJGs.....	41
3.5 INPUT – Program infrastructure.....	42
3.6 INPUT – Indigenous Justice Officers .....	44
3.7 INPUT – Training and development for CJGs.....	44
3.8 INPUT – Other Government agencies’ support and partnerships.....	47
3.9 INPUT – NGOs’ support and partnerships.....	48
3.10 INPUT – Volunteering by community members .....	48
3.11 INPUT – Knowledge of what works .....	49
3.12 INPUT – Legislative framework .....	50
<b>4 Outputs: What is being delivered by CJGs? .....</b>	<b>51</b>
4.1 Introduction.....	51
4.2 Summary of Program outputs – the activities CJGs deliver.....	51

4.3	Stakeholder perceptions of value of outputs.....	52
4.4	Stakeholder perceptions of the extent of delivery of outputs .....	54
4.5	Local Evaluation data about level and quality of CJG outputs.....	55
4.6	OUTPUT – Governance, administration and organisational development.....	59
4.7	OUTPUT – Court support .....	67
4.8	OUTPUT – Prevention, education and awareness .....	93
4.9	OUTPUT – Early intervention and diversion.....	98
4.10	OUTPUT – In custody and under supervision .....	104
4.11	OUTPUT – Transition to community and reintegration .....	107
4.12	OUTPUT – Community support, advocacy and access to social justice .....	109
4.13	OUTPUT – Assistance to government agencies and service providers.....	114
4.14	Stakeholders’ overall views about CJGs’ output .....	122
<b>5</b>	<b><i>Opportunities for improvement through enhancing inputs .....</i></b>	<b>126</b>
5.1	Introduction.....	126
5.2	Adequacy of the funding input.....	126
5.3	Improving the program infrastructure input.....	129
5.4	Adequacy of Program staffing.....	132
5.5	Adequacy of training and development inputs .....	136
5.6	Opportunities to enhance other Government agencies’ support for CJGs.....	143
5.7	Support for Elders and community members .....	144
5.8	Empowering communities with data.....	146
5.9	More sharing of good practice .....	147
5.10	Legislative changes.....	148
<b>6</b>	<b><i>Is the Program making a difference? (Preliminary evidence).....</i></b>	<b>150</b>
6.1	Introduction.....	150
6.2	Stakeholder perceptions about CJG impact .....	150
6.3	Stories of success .....	152
	<b><i>Appendix 1 – QWIC data for courts at CJG locations .....</i></b>	<b>155</b>
	<b><i>Appendix 2 – Terms of Reference for interdepartmental Implementation Working Group on CJG Framework .....</i></b>	<b>161</b>

## List of Acronyms and Abbreviations

ATSILS	Aboriginal and Torres Strait Islander Legal Service
ATSIJLOM Act	<i>Aboriginal and Torres Strait Islander (Justice, Land and Other Matters Act) 1984</i>
ATSIP	Aboriginal and Torres Strait Islander Partnerships, Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships
CIP	Courts Innovation Program, Magistrates Court Service, DJAG
CJG	Community Justice Group
DJAG	Department of Justice and Attorney-General
DFV	Domestic and Family Violence
DFVE	Domestic and Family Violence Enhancement
FRC	Family Responsibilities Commission
IJO	Indigenous Justice Officer, DJAG
IJP	Indigenous Justice Programs, Courts Innovation Program, DJAG
IJPO	Indigenous Justice Programs – Operations, Courts Innovation Programs
IJPP	Indigenous Justice Programs – Projects, Courts Innovation Programs
IWG	Inter-departmental Working Group for the CJG Program
LAQ	Legal Aid Queensland
NGO	Non-Government Organisation
P&P	Probation and Parole, QCS
QCS	Queensland Corrective Services
QLD	Queensland
QPS	Queensland Police Service

In this report, the term ‘Indigenous’ is sometimes used to describe the Aboriginal and Torres Strait Islander peoples of Australia, and is used interchangeably with ‘Aboriginal and Torres Strait Islander’ in describing these communities and individuals.

## Definitions

<b>Mediation</b>	In the Justice context in Queensland, formally, mediation refers to structured programs conducted by trained mediators.
<b>Cultural mediation</b>	Aboriginal and Torres Strait Islander dispute resolution methods, typically involving Elders facilitating communication between families or individuals
<b>Discrete communities</b>	Aboriginal or Torres Strait Islander communities in regional or remote areas that have predominantly Indigenous populations, are usually located on Indigenous land, and were in most cases previously missions or government reserves
<b>Stronger CJGs Framework</b>	The <i>Framework for Stronger Community Justice Groups</i> was produced by DJAG in 2019 to support the implementation of the expanded CJG Program
<b>DFV Enhancement</b>	Additional funding provided to the CJG Program to enable co-design with CJGs of new DFV initiatives in 18 locations, mostly in discrete or regional Indigenous communities

**Report prepared for:**  
 Courts Innovation Program  
 Magistrates Court Service  
 Court Services Queensland  
 Department of Justice and Attorney General  
 E: [alan.dewis@justice.qld.gov.au](mailto:alan.dewis@justice.qld.gov.au)  
 T: 07 3738 7101

**Report prepared by:**  
 Myuma Analysis, Research, Consulting and  
 Advisory  
 Myuma Pty Ltd  
 E: [MichaelLimerick@myuma.org.au](mailto:MichaelLimerick@myuma.org.au)  
 T: 0439 092 911

## Acknowledgments

Myuma wishes to acknowledge the assistance provided to the evaluation team by the staff and members of the Community Justice Groups visited during the evaluation to date. Their collaboration and willingness to share their stories and assist with collecting data from other stakeholders has ensured the frontline and community voice has a prominent place at the centre of this report.

Myuma also acknowledges the contributions of a wide range of stakeholders who have participated in this evaluation to date, especially staff of government and non-government agencies, Magistrates and Aboriginal and Torres Strait Islander community members. We especially would like to thank the staff of Indigenous Justice Programs, in the Department of Justice and Attorney-General, who have brought a spirit of cooperation and openness to the possibilities that this evaluation brings.

Myuma acknowledges Traditional Owners across the Australian continent, who have provided custodianship to their Country since time immemorial. We pay our respects to their Elders past and present.

## Executive Summary

### Context

This report presents the findings of Phase 1 of the three-year evaluation of the [Community Justice Group \(CJG\) Program](#), funded by the Department of Justice and Attorney-General (DJAG). The evaluation is being conducted by a [team from Myuma](#), a social enterprise owned and managed by the Indjalandji-Dhidhanu people from the Camooweal region of north-west Queensland. The evaluation process includes both a program-level analysis and Local Evaluations conducted by the Myuma team with the staff and members of CJGs in Aboriginal and Torres Strait Islander communities across Queensland.

Community Justice Groups (CJGs) were first established in three Aboriginal communities in the early 1990s as a community response to the over-representation of Indigenous people in the criminal justice system, as highlighted by the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) in 1991. The concept of Elders and respected persons coming together voluntarily to drive local solutions to justice issues was widely embraced by Aboriginal and Torres Strait Islander communities, and when funding was made available from 1997, more than 30 communities established variations of CJGs. The Program has since grown to more than 50 locations across Queensland, and CJGs have become an important part of the functioning of the justice and social services systems in Indigenous communities. In 15 locations, the role of CJGs providing advice to Magistrates and supporting community members through the court system has become formalised through Murri Courts.

After many years of concerns raised about the sustainability of a Program reliant on volunteer CJGs and stretched local Coordinators, the Queensland Government committed \$20 million in additional funding to the Program in 2019. The *Framework for Stronger Community Justice Groups* was developed as a blueprint to guide the new phase of development of the CJG Program. The reforms have enabled CJGs to be provided with a more viable funding base to meet the costs of staffing and delivering activities, as well as enhancing remuneration for members of the CJG. In 2017, the Queensland Government had also committed \$11 million in additional funding to CJGs in 18 discrete Indigenous communities to establish tailored local initiatives to address Domestic and Family Violence (known as the DFV Enhancement).

With the additional funding, CJGs across the State are undergoing a transformation, and now have the opportunity to properly resource a range of their activities aimed at supporting people who are in the criminal justice system or at risk of entering the system. An evaluation is crucial at this time, for several reasons: to support the Program's growth with evidence about what works; to work directly with CJGs to help them monitor and improve their delivery and capture their impact; to help DJAG to ensure the Program's implementation is optimised to support CJGs in their work; to help other government and non-government agencies to understand how best to support and partner with CJGs; and to help the Queensland Government understand the impact of its investment in these unique grassroots initiatives.

### The evaluation approach

The evaluation is taking a strengths-based (Appreciative Inquiry) and participatory approach, in the belief that a focus on positive stories about what it looks like 'when things are working' will reveal the core value of what CJGs can contribute, and illuminate the path forward to sustained reductions in Indigenous people's contact with the justice system. At the core of the CJG Program is people – understanding their stories, whether they be from the CJG, their partners or the people they assist, will unlock the lessons that will help the Program to tackle the complex justice issues confronting Aboriginal and Torres Strait Islander communities. This report contains many stories from the work of CJGs, and the evaluation will strive to share and amplify stories of success through the accompanying communications platform, [Our](#)

*Community Justice.* For readers without the time to dive into the detailed analysis of the workings of the CJG Program in this report, a perusal of the stories in the text boxes throughout the Report and in Part [6.3](#) will provide an immediate insight into CJGs' value and contribution.

### ***The over-representation of Indigenous people in the criminal justice system***

One of the functions of this Phase 1 report is to explain the context for the CJG Program, especially its history as a community-driven response to the justice challenges confronting Indigenous peoples in recent decades. To illuminate the scale of these challenges, the report also provides an overview of the current state of Indigenous participation in the criminal justice system, both across the State and in the locations where CJGs operate. The data show the alarming rate of increase in Indigenous incarceration in the three decades since the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) report (1991). Despite falling rates of reported offences for both Indigenous and non-Indigenous people in recent decades,<sup>1</sup> the rate of imprisonment for Aboriginal and Torres Strait Islander people has more than doubled in Queensland since 1988. The number of Indigenous adults in Queensland prisons has increased seven-fold during this period, from 431 in 1988 to 3,040 in 2020. Around two-thirds of the children in detention are now Indigenous, up from about half a decade ago. The likelihood of an Indigenous person in the Magistrates Court receiving a prison sentence almost doubled from 2007 to 2019 – an Indigenous person now has about a one in four chance of being sentenced to prison from the Magistrates Court. Yet the most common offences for Indigenous people before the courts are 'Justice and government' offences (and about one-quarter of these were for breach of bail) and 'Public order' offences (of which over half involved a public nuisance offence). Significant numbers of Indigenous people in custody are not sentenced, but are on remand, having been refused bail. The case for Governments to support grassroots initiatives like CJGs to keep Indigenous people out of the court system is starkly evident. One of the challenges for this evaluation will be to reliably measure how the diverse and localised activities of CJGs make a difference to these statistics.

### ***Phase 1 focus on implementation***

The focus of Phase 1 of the evaluation has been on the implementation of the Program – especially understanding the way the Program is working, in terms of the outputs being delivered by CJGs and the inputs that are enabling them to deliver those activities. The main objective of reviewing implementation is to identify whether the inputs are adequate and appropriate to enable CJGs to deliver the outputs that are intended to make a difference for Indigenous communities. This report therefore follows the logic of first outlining the range of inputs that support the delivery of the program (Part 3), then reviewing the evidence about the range, quantum and quality of outputs that are being delivered with those inputs (Part 4), before returning to consider the gaps and opportunities for improvement in relation to the Program's inputs (Part 5).

Key sources of data for Phase 1 of the evaluation were:

- Desktop review of a broad suite of program administration and performance data
- A statewide CJG Program stakeholder survey conducted by DJAG
- Interviews with a range of non-government, government and court stakeholders at the statewide Program level

---

<sup>1</sup> Weatherburn, D. and Rahman, S. (2021). *The Vanishing Criminal: Causes of Decline in Australia's Crime Rate*, Melbourne Univ. Publishing.

- ‘Local Evaluations’ at five CJG sites to date, conducted by the evaluation team in collaboration with the participating CJGs and involving CJG workshops, stakeholder interviews and focus groups, and community surveys

Myuma has planned to conduct a number of Local Evaluations during each of the three years of the evaluation, to enable all 40 CJGs to be directly involved, to the extent they choose, in evaluation within their location. In 2021, the five local evaluations were undertaken at Doomadgee, Mackay, Rockhampton, Goondiwindi and Normanton.

A review of the implementation of the DFV Enhancement component of the CJG Program will be included in a supplementary report in May 2022. The evaluation team were not able to visit a sufficient number of CJGs with DFVE funding to be able to meaningfully assess this in the current report.

### *What CJGs are delivering – the Program’s outputs*

Since DJAG took responsibility from the Department of Aboriginal and Torres Strait Islander Policy (DATSIP) for the funding program for CJGs in 2006, the core funded outputs for CJGs have been primarily court support services – that is, providing cultural reports to courts considering bail or sentencing of Indigenous defendants, and supporting Indigenous people through the court process. It has been widely acknowledged, however, that in practice CJGs perform a vastly wider array of functions in the community, both directly and indirectly related to the criminal justice system. Phase 1 of the evaluation has sought to document the actual range of CJG outputs whether funded or unfunded.

The evaluation confirmed that CJGs spend a considerable amount of their time on court-related support, although this varies across locations. Activity mapping with CJG staff from the five Local Evaluation sites shows they spend on average 41% of their time on court-related activities, although this is much higher in sites where the CJG is funded primarily to support Murri Courts, and much lower in regional locations where courts sit only periodically during circuits. A quarter of stakeholders (and half of CJG respondents) in a Statewide survey feel that CJGs are doing more work in the courts in the past 12 months, which is an encouraging sign that the funding enhancements are translating into increased services. Court data reported by CJGs show that they assisted 2362 people in courts in 2020-21, which is about one quarter of all Indigenous defendants who had finalised court appearances at CJG locations.

Interviews with three Magistrates showed that CJGs’ contributions in court are very highly valued by Magistrates (especially those in Murri Court). Magistrates generally find CJGs’ cultural submissions useful, although the quality and reliability of this can be variable in practice. However, the main value Magistrates see is the work that CJGs do behind the scenes to help defendants address their underlying issues. CJGs’ work in the courts is also very highly valued by defence lawyers. Community survey feedback from the small sample of CJGs showed that CJG clients also find the court support useful. The evaluation heard many examples of how the work of CJGs reduces the number of Indigenous people in custody, through activities such as supporting their bail applications, ensuring they attend court (which avoids arrest warrants), and providing cultural and community information about defendants that may give courts cause to consider non-custodial penalties.

While this evaluation has avoided duplicating the 2019 Murri Court evaluation, it does report on stakeholders’ feedback on Murri Courts, which was generally very positive in the two sites visited to date. Community survey feedback at the Mackay Murri Court also showed a very high degree of satisfaction – for example, 92% responded that the Murri Court had helped ‘a lot’ in terms of ‘staying out of trouble with the law in the future.’



CJGs across Queensland reported making 2640 referrals in 2020-21, which included CJG activities, mens groups, womens groups, yarning circles and DFV counselling. Magistrates and lawyers interviewed were very positive about the work that CJGs do in helping people address underlying issues that contribute to offending. CJGs appear uniquely placed to take a person-centred, cultural strength-based approach that helps people with complex needs to navigate an often very disjointed service system. Many stakeholders are concerned that CJGs become stretched by having to fill gaps or make up for deficiencies in the service system, especially in regional and remote locations.

The evaluation also considered CJGs' outputs at other points in the criminal justice continuum, from prevention (including education and awareness and programs addressing underlying causes of offending) to early intervention (such as pre-court diversion by police to CJG dispute resolution), to helping people in custody or under community supervision, to assisting people transitioning back from custody to reintegrate into the community. Some CJGs spend considerable time in the prevention space, and most place a very high priority on developing programs aimed at keeping youth out of the justice system. Many CJGs are already using their enhanced funding for youth programs such as camps, cultural mentoring and activities to build pride and self-esteem. Others have proposals for prevention initiatives such as drop-in centres. Stakeholders see the cultural input of Elders and respected community members as a highly valuable component of these initiatives. The evaluation will be focusing on some of these promising prevention programs in Phases 2 and 3, in addition to well-regarded adult prevention initiatives such as mens and womens groups and yarning circles.

Stakeholders are less aware of the work that CJGs do in early intervention and pre-court diversion, but CJGs and agencies such as police see significant value in CJGs targeting this area. The evaluation notes there is considerable scope in the system for CJGs to be more involved in early intervention such as mediation and peacemaking, diversion from police to cautioning (for both youth and adult offenders), and diversion to Restorative Justice Conferencing. Several CJGs facilitate offenders paying off their SPER fines through a payment plan or community service, to avoid deepening contact with the justice system and some have formalised their role as 'hardship partners' with the State Penalties Enforcement Registry.

CJGs' work in visiting people in custody and supporting people in community corrections is less recognised and understood by stakeholders. This is the area where CJGs involved in the five Local Evaluations reported spending the least amount of their time, although the evaluation is aware that CJGs in many communities aspire to spend more time visiting adults and children in custody. Some CJGs report strong relationships with local Probation and Parole and Youth Justice staff, but the patchiness of these relationships suggests the need for more work on both sides.

The work that CJGs currently or could do in assisting with reintegration of people returning from custody is also less well-recognised and varies widely across the State. There is, however, considerable scope and interest in CJGs contributing positively in this area – parole orders are strong leverage points for CJGs to engage offenders in programs, and success of these initiatives is more easily measured through improved recidivism rates, which generates considerable cost savings to the State.

One of the most significant findings from Phase 1 of the evaluation is the considerable scale and value of CJGs' current outputs in areas unrelated to the criminal justice system. This output can be described as providing community support, advocacy and access to social justice. It encompasses both advocating on behalf of communities generally – for example, in relation to policy and legislation or government processes affecting Indigenous communities – and directly assisting individuals who are not necessarily involved in the criminal justice system (nor at risk of involvement) to access social justice – for example, accessing services and opportunities to address their needs. In an informal service mapping survey of CJG

coordinators by DJAG and in the evaluation's own activity mapping with five CJGs, CJG staff report spending considerable time simply helping people to get the assistance they need and dealing with urgent problems – examples include birth certificates, Blue Card applications, Centrelink issues, banking, Public Guardian, debts, housing and NDIS. Estimates by CJG staff included 15, 20-25 and 30 hours per week respectively on these client-driven activities, often performed in addition to their core funded activities, leading to long work days. This also reflects that CJGs' work is person-centred and community-driven in responding to people's urgent needs, and not limited to service parameters or funding agreements. CJGs express a broad conception of their role as enabling 'social justice' in service to their community. In describing their work in assisting people involved in the criminal justice system, they tend to position this within a more holistic conception that they are working with people across all aspects of their lives and wellbeing. This seems to reflect a difference in worldview from the way staff of non-Indigenous service providers might see their work, which focuses to a greater extent on organisational boundaries and functions. Out of this commitment to social justice, many CJGs will therefore assist a person who is not in the criminal justice system nor at immediate risk of being involved in the criminal justice system, with a matter that is not related to the criminal justice system. The evaluation suggests that the CJG Program Guidelines and Service Agreements should explicitly accommodate CJGs' choice to deliver these non-criminal justice forms of support as part of their service charter, subject to negotiation of a viable service scope.

The analysis of CJG outputs showed that CJGs also spend considerable time assisting other agencies and service providers, including many outside the justice system, to deliver their services to Indigenous communities. This currently accounted for an estimated 15% of CJG staff time in the five Local Evaluation sites. CJGs play an especially important role in building cultural capability and connections for agency staff, while also providing logistical and practical support for many agencies to understand the community and engage with community members. This creates significant risk for CJGs in being over-burdened by agency requests. The evaluation suggests the need for these agencies to pay more attention to properly negotiating the scope of their relationships and provide greater support to CJGs to manage their workload and risk. This may require paying CJGs for some of the assistance they provide (an obvious example being cultural awareness training for staff) and providing other support such as training and resources useful to CJGs.

In addition to the external-facing outputs of CJGs, the evaluation considered the scope and quality of CJGs' internal activities around governance, administration and organisational development. These activities create the organisational platform for delivering the program activities. The evaluation found that CJGs differ greatly in their level of organisational maturity in areas such as governance, financial management, human resource management, data collection and staff training and development. The Local Evaluations showed that well-run and empowerment-focused auspicing organisations can assist CJGs greatly in this regard. Areas where many CJGs are struggling include governance (especially meetings, planning and decision-making), recruiting and retaining staff with appropriate skillsets (which have changed with the growth of many CJG operations), and promoting awareness of CJG services.

Phase 1 has shown that CJGs deliver a wide range of outputs and that local configurations of these vary depending on community needs and CJG decisions about where they believe they can make the most difference. CJGs' strength is the cultural underpinnings of their work and their unique position to help individuals navigate service systems that are sometimes disjointed and culturally unsafe. Court-related support continues to be important, and strongly valued by justice system stakeholders and the community. However, the enhanced funding has seen CJGs turn their attention to other activities such as youth-focused prevention programs and early intervention and pre-court diversion, which they

consider have the potential to pre-emptively reduce Aboriginal and Torres Strait Islander people's contact with the courts.

In summary, the data collected in Phase 1 have created a clearer picture of the range and scale of CJGs' outputs, their perceived value by CJGs and stakeholders, issues and challenges in their delivery, and areas where CJGs and stakeholders see gaps or opportunities for CJG activities to deliver greater impact. The question for the CJG Program then turns to whether the current inputs are adequate and appropriate to enable each CJG to deliver a local mix of outputs that will be sustainable, meet local priorities and create the impact the Program intends.

### *The adequacy of the Program inputs to achieve the desired Program outputs*

The key inputs for the CJG Program outlined in Part 3 are: funding for CJGs; program infrastructure; Indigenous Justice Officers; training and capacity development; other government agencies support and partnerships; NGOs' support and partnerships; volunteering by community members; knowledge of what works; and the legislative framework.

The Stronger CJGs Framework initiative developed in 2019 recognises the important role of CJGs in communities and their potential value in reducing overrepresentation of Aboriginal and Torres Strait Islander people in the criminal justice system, if they were supported to become sustainable organisations.

Funding for CJGs is the most important Program input to enable CJGs to do their work. While CJG resourcing was for many years considered inadequate for the role that they were performing, the resourcing of CJGs has received a boost from the 2019 funding enhancement, and some groups are further receiving the DFV enhancement. The additional funding has been progressively rolled out through new triennial service agreements in the past two years and CJGs are expanding their operations accordingly. Stakeholder feedback indicates that the view has persisted that CJGs are under-resourced for the range of outputs they are delivering. In both the statewide survey and the interviews conducted by the evaluation team, many stakeholders were concerned about over-worked CJG staff, insufficient funds for CJGs to deliver programs and interventions, and lack of remuneration of Elders. It is not clear if stakeholders are not yet aware of the expanded resourcing for CJGs, or whether the expanded resourcing has not yet significantly mitigated these existing challenges.

The evaluation found evidence that CJGs are still in a period of adjustment to the new level of resourcing, with some CJGs underspending and some grappling with appropriate remuneration arrangements for members. Given many CJGs are still scaling up their delivery, it is too early to make definitive judgments about whether the new funding base for each CJG is adequate to sustainably meet their needs. Delivering some of their more ambitious aspirations – for example, for youth development programs or prisoner reintegration programs – may require additional funding, but this may be available, and more appropriately obtained, from sources other than the CJG Program.

The evaluation found that the principal issue with the program infrastructure input is the need for the current Program Guidelines – and the accompanying template Service Agreement – to be updated to include the range of CJGs' outputs delivered beyond the court system. The evaluation further recommends that DJAG consider how to incorporate involvement of CJG representatives in the program governance structures, consistent with best practice program delivery in the Indigenous domain.

The evaluation has documented the important role played by DJAG's network of Indigenous Justice Officers (IJOs) in managing CJG contracts and supporting their delivery. In practice, their role extends far beyond grant compliance, adding value in areas as diverse as mediating CJGs' challenges in 'walking between two worlds' (the community domain and the government domain), assisting CJGs to link into

agency networks, providing training and advice in court-related work, and generally supporting organisational capacity development.

Stakeholder feedback suggesting that CJGs are not adequately supported at present raises questions about whether the IJO network is optimally structured and resourced. The evaluation suggests that DJAG consider whether IJO positions can be located in regional centres closer to the CJGs being serviced, such as Rockhampton, St George and Weipa. Appointment of additional IJOs to reduce the number of CJGs supported by each position should also be considered. The evaluation notes that the pool of DJAG staff to support CJGs has not increased with the additional funding responsibilities, and that Murri Court coordinator positions abolished in 2012 were not reinstated when Murri Courts were reinstated. There is also a case for revisiting the classification of IJO positions, in view of the more complex role and more diverse skill set required beyond grant management.

The most significant Phase 1 finding in relation to inputs is that current training and capacity-building support for CJGs is not meeting their needs as they expand their activities with the recent funding enhancements. In relation to training, only 5% of respondents to the Stakeholder Survey felt that CJGs 'Have enough support' and 56% said they 'Need a lot more support'. The main training delivered by DJAG at present is Operations of Court, and Murri Court training, yet the evidence of inconsistency across the State of CJGs' court-related delivery indicates a continuing level of unmet need, particularly with the rapid increase in funding, additional staffing and management responsibilities. Lack of travel due to COVID has greatly limited regular face-to-face support from the IJOs. Training needs surveys have highlighted other training priorities including DFV, governance, mediation and mental health. The IJOs' performance conversations with CJGs confirm high levels of need for capacity development around performance reporting, financial reporting and business systems and management. Under the new funding arrangements, there is additional scope for CJGs to allocated funds in their budgets for training, but further data collection is required in Phase 2 to determine the extent to which CJGs are sourcing training.

The evaluation suggests that the full potential of the Government's investment in CJGs will not be realised without a commensurate investment in training and other support for these crucial organisations in tackling Indigenous over-representation in the justice system. Stakeholders put forward various options for addressing this Program input gap, including:

- Funding a new peak body for CJGs to develop resources and deliver training and capacity building, as well as research and advocacy on issues of common concern to CJGs
- Funding an existing service provider as a secretariat for CJGs, to develop resources and delivery training and capacity-building, but without an advocacy or peak representation role
- Setting aside a pool of funds for CJG training and appointing a panel of preferred suppliers for different types of training, creating a user-choice model whereby CJGs could choose a provider and apply for DJAG to organise and pay for the training.

The most important recommendation of Phase 1 of the evaluation is that DJAG prioritise the development of a comprehensive CJG Capacity Development Program to meet the identified training and capacity-building needs of CJGs. The options raised by stakeholders should be further explored and canvassed with CJGs to determine their preferred approach, noting that a combination of the options may be appropriate. Additional resourcing should be considered if the need cannot be met from current funding or in-kind.

Another critical input for CJGs is the cultural knowledge, wisdom and efforts contributed by Elders and respected persons from Aboriginal and Torres Strait Islander communities, who volunteer their time as

CJG members. A recurring theme of interviews is the concern that many CJG members are ageing and tired and there are too few people coming through to replace them. Succession and recruitment strategies are seen as a high priority, especially to engage more men and younger members. Membership is considered by many stakeholders to be a major risk to the sustainability of the Program. The evaluation recommends that undertaking research and developing resources for CJGs regarding member succession should be part of the scope of the recommended CJG Capacity Development Strategy.

Other inputs that can be enhanced to improve the delivery of the Program's outputs are greater opportunities for CJGs to share knowledge of what works, and more assistance to CJGs to access, understand and use official data in their planning and delivery of local responses to justice issues. Information-sharing can be facilitated through the evaluation's *Our Community Justice* communications platform, comprising a website, social media, newsletters and regular online 'coffee catchups.' Regular CJG forums, such as the one planned by DJAG for 2022, are also important in fostering relationships across CJGs to share good practices.

### **Summary and next steps**

The Phase 1 report for the evaluation of the CJG Program has provided considerable data about the range of activities (outputs) that CJGs are delivering to address justice-related issues, confirming that these extend well beyond the outputs recognised in the Program Guidelines and Service Agreements. Further, the review of Program inputs has suggested some improvements that will strengthen CJGs' foundations to deliver the sorts of activities that they believe will make a difference. Phase 1 involved analysis of a significant amount of administrative data, survey data and stakeholder interviews. To this point, however, only five sites have been visited for in-depth Local Evaluations. Phase 2 will involve visits to at least 12 more CJGs, which will provide a significant body of frontline practice information to test and refine the findings and directions suggested in this report.

## **Phase 1 recommendations**

### **CJG capacity development**

Current training and capacity-building support for CJGs is not meeting their needs as their activities, staffing and operational complexity have rapidly escalated with the recent funding enhancements (see Part [5.5](#)).

**Recommendation 1.** *That DJAG develop a comprehensive CJG Capacity Development Program to meet the priority training and capacity-building needs of CJGs for the current growth phase of the CJG Program and beyond. Considerations in developing this Program are:*

- a) *the scope of the Program should include:*
  - (i) *training needs related to governance, program management, court services and DFV (currently the focus of IJP's training offerings)*
  - (ii) *the broader training needs identified in the CJG Training Needs Survey and the feedback to the evaluation, which encompass areas such as mediation/peacemaking, conflict resolution, mental health, trauma, Indigenous healing and self-care*
  - (iii) *training needs in areas where CJGs are supporting other agencies (e.g. corrections, child safety, youth justice);*
- b) *other government agencies should be involved in the development (and potentially the delivery) of the Program with the respect to the training needs in (a)(iii) above;*

- c) *the needs of both CJG staff and members should be considered;*
- d) *developing CJG staff quality benchmarks and CJG service standards should be explored as a means to assist CJGs to assess their own training gaps;*
- e) *CJGs should be consulted about the options for delivery models for the Capacity Development Program (e.g. enhancing DJAG training, outsourcing to a peak body or secretariat, creating a dedicated training fund, or assisting CJGs to apply their own funds to training);*
- f) *a range of options for resourcing the CJG Capacity Development Program should be explored, including enhancing IJP capacity to deliver training (e.g. extra staff or travel budget), setting aside a portion of the current CJG Program budget, working with CJGs to apply their own budgets to training, and seeking additional Queensland Government funding for the Program.*

### **Program governance**

There is currently no mechanism for CJGs to participate in the Department's program governance arrangements (see Part [5.3](#)).

**Recommendation 2.** *That DJAG incorporate representatives of CJGs in the program's governance arrangements, so they can be involved and provide input into important decisions about the CJG program. DJAG should explore models used by other Indigenous justice programs, consult with CJGs (for example, at the State-wide CJG workshops), and implement a suitable model.*

### **Program staffing**

DJAG's Indigenous Justice Officers (IJOs) perform a crucial role in supporting the operations and development of CJGs, yet the evaluation has highlighted that the IJO network is stretched in its ability to meet the expanding needs of CJGs during the current growth phase and there is a need for additional IJO positions in locations closer to some CJGs (see Part [5.4](#)). The evaluation has also raised the question whether the current classification level of IJO adequately reflects the complexity and skill requirements of the role. At the same time, the small number of IJP Manager positions are stretched across competing demands of Murri Court support, the DFV enhancement initiative, heightened CJG training and capacity development needs, CJG program management, and supervision of the regional IJO network.

**Recommendation 3.** *That DJAG consider the establishment of IJO positions in regional centres closer to CJGs being serviced, and accordingly, consider an increase in the total number of IJO positions.*

**Recommendation 4.** *That DJAG review the classification of IJO positions to ensure it adequately reflects the complexity and skill requirements of the role.*

**Recommendation 5.** *That DJAG review whether the current division of responsibilities, level of specialisation and classification level of the IJP Manager positions adequately meets the needs of the CJG Program's expanded scope and complexity.*

### **Program Guidelines and template Service Agreement**

The current Program Guidelines, and to a lesser extent, the Service Agreements, are restrictively focused on the activities of CJGs in courts, and do not reflect the broader suite of outputs of CJGs now encompassed in the 'refocused CJG model' set out in the Department's *Framework for Stronger CJGs* – for example, areas such as education, prevention, early intervention, support to people under supervision or in custody and post-release support (see Part [5.3](#)). This creates uncertainty and concerns for CJGs and stakeholders about the legitimate scope of funded activities, and does not reflect the Department's actual practice of negotiating Service Agreements that are flexible, place-based, and seek to accommodate CJGs' choices and priorities to address local justice issues.

**Recommendation 6.** That DJAG revise and update the current Program Guidelines to better reflect the refocused CJG model and the broader suite of outputs that CJGs deliver outside their court-based activities.

**Recommendation 7.** That DJAG revise the template Service Agreement to align with the revised Program Guidelines and the refocused CJG model, with a focus on:

- a) more explicitly recognising funded outputs that CJGs may choose to deliver in areas outside of their court activities (for example, the template could have an output ‘menu’ across the domain areas in the Stronger CJGs framework);
- b) accommodating more tailored, local, quarterly performance measures that are meaningful to CJGs as indicators of their delivery.

### **Grants management**

The increased funding and complexity of Service Agreements and reporting under the expanded CJG program necessitates a more sophisticated model for grants management (see Part [5.3](#)).

**Recommendation 8.** That DJAG expedite the current project to introduce a more sophisticated grants management system.

### **CJG membership issues**

CJGs and stakeholders highlighted several critical issues around membership of CJGs that potentially impact on the Program’s sustainability (see Part [5.7](#)).

**Recommendation 9.** That DJAG develop a strategy to provide more assistance to CJGs to address pressing membership challenges, including succession plans for ageing membership, improving gender and age balance of membership, and implementing dispute resolution processes to address internal disputes. This strategy could be incorporated in the recommended CJG Capacity Development Program – for example, through undertaking research and developing resources and training materials to assist CJGs, or outsourcing this support to a peak body or secretariat.

### **Empowering communities with data**

There are untapped opportunities for CJGs to make better use of available data to improve their planning of responses to local justice issues (see Part [5.8](#)).

**Recommendation 10.** That DJAG develop strategies and resources to assist CJGs to access, understand and use official data in their planning and implementation of activities. This could be incorporated in the recommended CJG Capacity Development Program.

### **CJG services to other agencies**

The activity mapping the evaluation has undertaken with CJGs has highlighted the extensive level of assistance that many CJGs provide to many other Government agencies, both within the justice system and in other areas of community services.

**Recommendation 11.** That the CJG Inter-departmental Working Group (IWG) reviews the evaluation data regarding the work that CJGs do to assist Government agencies, and considers strategies and measures to ensure this does not affect the sustainability of CJGs, such as providing additional training and in-kind or financial resources to CJGs to support these activities.

### ***CJGs filling gaps in service provision***

The activity mapping also highlighted that some CJGs provide assistance to community members to access services and support in a wide range of areas not directly related to criminal justice. This is especially the case in regional and remote areas, where community members may not have access to services or may perceive services as not ‘culturally safe.’

***Recommendation 12.*** *That the CJG Inter-departmental Working Group (IWG) reviews the evaluation data regarding the work that CJGs do to assist community members to access services or supports ordinarily provided by other agencies, and considers strategies and measures to mitigate this burden on CJGs. For example, strategies to consider include improving service access at CJG locations, organising service ‘musters’ (where several agencies collaborate to periodically provide coordinated access days) or specifically resourcing CJGs as agents or referral points for certain services.*

### ***Promotion of CJGs and sharing of good practice***

The evaluation received feedback from stakeholders about a general lack of awareness of CJGs’ role and activities, while CJGs indicated their desire for more information-sharing across the CJG network.

***Recommendation 13.*** *That DJAG encourage and support CJGs to make full use of the Our Community Justice platform to share good practices and connect with other CJGs over the remaining two years of the evaluation.*

***Recommendation 14.*** *That DJAG work with CJGs to promote and raise awareness about the work of CJGs and Murri Courts.*



# 1 Introduction

## 1.1 Purpose of this report

This report contains the findings of Phase 1 of the evaluation of the Department of Justice and Attorney-General’s Community Justice Group (CJG) Program. The evaluation is being conducted over three years, from 2021 to 2023, by Aboriginal social enterprise, Myuma Pty Ltd. This Phase 1 report is the first of three annual reports to be delivered for the evaluation.

The purpose of this Phase 1 report is first, to provide background and context about CJGs and the current evaluation, and second, to report on the findings to date in relation to the Phase 1 questions for the evaluation. The focus in this phase of the evaluation is on how the Program is being implemented and what can be improved. To answer this, the report compiles a detailed picture of what CJGs are delivering in practice (their outputs) and then considers the adequacy and appropriateness of the whole range of resources, supports and efforts that are currently being invested in the Program (the inputs). In other words, the main purpose of this report is to consider whether the current Program inputs are adequate to deliver the outputs that are desired by both the government and Aboriginal and Torres Strait Islander communities, and which they hope will contribute to better justice outcomes for Indigenous Queenslanders.

## 1.2 A short history of Community Justice Groups in Queensland

Community Justice Groups in Queensland evolved as a response to the Royal Commission into Aboriginal Deaths in Custody (RCIADIC). Several of the recommendations of the RCIADIC final report, handed down in 1991, called for more community-based responses to justice issues. The Royal Commission emphasised that local solutions driven by the members of Indigenous communities themselves were the key to addressing the underlying causes of offending behaviour. In 1992, Queensland Government funding enabled piloting of Community Justice Groups at Palm Island, Kowanyama and Pormpuraaw, which was later expanded across all regions through the establishment of the Local Justice Initiatives Program. A summary timeline of the evolution of Community Justice Groups is set out below. A detailed description is available at [www.ourcommunityjustice.org](http://www.ourcommunityjustice.org).

History of CJGs		
1992	Three pilot CJGs established	Palm Island, Kowanyama and Pormpuraaw. Funded by Queensland Corrective Services Commission (QCSC), which engaged Yalga Binbi Institute for Community Development
1995	Local Justice Initiatives Program established	Three years of funding (\$600,000 per annum) through Department of Aboriginal and Torres Strait Islander Policy and Development (DATSIPD) as part of response to Royal Commission. Regional staff worked with Indigenous communities to establish CJGs.
1997	First elder involvement on bench	President of the Childrens Court, Judge Fred McGuire, invited Aboriginal elder Neville Bonner to sit with him during court sittings at Cherbourg. Magistrate Sarah Bradley began involving Palm Island CJG to assist with circuit court sittings
1998	31 funded local justice initiatives/ CJGs	Strong community demand for establishing ‘local justice initiatives’ <sup>2</sup> . 31 groups received grants ranging from \$15,000 to \$100,000, and averaging about \$40,000-50,000

<sup>2</sup> The community-driven philosophy of the Local Justice Initiatives Program afforded considerable flexibility in the types of initiatives that could be funded. There was no requirement to establish a ‘Community Justice Group’, to *(footnote continued)*

<b>2000</b>	<b>Legislation amended to recognise CJG role in sentencing</b>	<i>Penalties and Sentences Act 1992, Juvenile Act 1992, and Childrens Court Act 1992</i> were amended to formally recognise the role of CJGs in providing advice to courts in sentencing Aboriginal and Torres Strait Islander offenders
<b>2002</b>	<b>Brisbane magistrates start Murri Courts</b>	On the initiative of the Chief Magistrate, Brisbane magistrates started involving Elders in the court as part of a bail sentencing program, which came to be known as Murri Courts
<b>2002</b>	<b>Statutory CJGs established in 19 locations</b>	In response to recommendations of Justice Tony Fitzgerald's Cape York Justice Study report, 19 Community Justice Groups in discrete Aboriginal and Torres Strait Islander communities in remote areas were legislated a formal statutory basis. This was to enable these Groups to make enforceable 'dry place' declarations in their communities (modelled on the Aurukun Alcohol Law Council) and to provide formal advice to the Queensland Government about Alcohol Management Plans made under the <i>Liquor Act 1992</i>
<b>2006</b>	<b>Murri Courts extended</b>	Murri Courts informally extended to Rockhampton, Mount Isa, Townsville and Caboolture. Following a 2006 review, a formal Murri Court pilot was initiated in Brisbane, Caboolture, Mt Isa, Rockhampton, Townsville. Outside these pilots, it became common practice for many Magistrates and Childrens Court judges sitting in other locations around the State to involve Community Justice Groups or local Elders as advisers to the court
<b>2006</b>	<b>CJG program funding transferred to DJAG</b>	2005 evaluation of the Queensland Aboriginal and Torres Strait Islander Justice Agreement <sup>3</sup> said consideration should be given to transferring administration of CJGs to DJAG given both the nature of their work and the move of DATSIP away from service delivery
<b>2010</b>	<b>Evaluation of CJGs</b>	Conducted by KPMG <sup>4</sup>
<b>2011</b>	<b>Continued expansion of CJGs</b>	CJGs now in 52 locations, with a budget of \$4 million per year. The average funding for most Community Justice Groups now around \$100,000 per year
<b>2012</b>	<b>Murri Court funding discontinued</b>	Dedicated funding for Murri Courts discontinued. In 13 former Murri Court sites, separate court lists indicating Indigenous status enabled Elders to continue to provide input to Magistrates Courts
<b>2015</b>	<b>Murri court funding reinstated</b>	Murri Court funding reinstated pursuant to Palaszczuk Government election commitment

adopt a defined organisational model, or deliver a defined set of services. While most communities established a form of Community Justice Group comprising Elders and respected persons from different cultural or family groups, there was considerable diversity in form and function. Some communities were focused on youth, delivering night patrols, and focusing on increasing school attendance. Others were focused on people in the corrections system, visiting prisons or supervising community service orders and Justices of the Peace. In some remote communities, Community Justice Groups were actively involved in operating local Community Courts, whereby local Justices of the Peace sat to consider breaches by residents of local law and order by-laws passed by Aboriginal Councils.

<sup>3</sup> Cunneen, C. (2005) *Evaluation of the Queensland Aboriginal and Torres Strait Islander Justice Agreement*: [Evaluation]. Queensland Legislative Assembly. <https://www.indigenousjustice.gov.au/resources/evaluation-of-the-queensland-aboriginal-and-torres-strait-islander-justice-agreement/>

<sup>4</sup> Queensland Department of Justice and Attorney-General, KPMG (2010). *Evaluation of the Community Justice Groups* [Final report]. Department of Justice and Attorney-General. <https://www.indigenousjustice.gov.au/resources/evaluation-of-the-community-justice-groups-final-report/>

<b>2016</b>	<b>New funding for CJGs to tackle domestic and family violence (DFV)</b>	Response to recommendations of <i>Not Now, Not Ever</i> report. \$11M funding (4 years) to develop culturally appropriate DFV services in 18 discrete Aboriginal and Torres Strait Islander communities
<b>2019</b>	<b>Funding enhancement for all CJGs</b>	\$19.4 million was committed to the CJG program over four years to enhance the capacity of Community Justice Groups to deliver local justice responses. In late 2019, DJAG consulted Community Justice Groups about how the funding enhancement would be rolled out and about developing a new 'Blueprint' for the refocused Community Justice Group program
<b>2021</b>	<b>CJGs supported in 50 locations (including 10 smaller groups in Torres Strait)</b>	Established Community Justice Groups are eligible for a higher level of core funding (typically \$200,000 per year), with additional funding for activities such as Domestic and Family Violence services and community-specific projects. CJG grants range from \$200,000 - \$598,000, averaging \$280,000 - \$350,000 and total funding of \$13.1 million per year across the State.

### 1.3 Community Justice Groups – the community story

The overview of the history of CJGs and their funding, legislative and bureaucratic program arrangements in Part 1.2 does not tell the 'community story' of CJGs, which runs in parallel to the 'program story'. The desire to have the community story of CJGs more widely understood and recognised has been a recurring theme in Myuma's engagements with CJGs during the evaluation to date – this has been heard both in the fieldwork at five locations and in several online forums that Myuma has hosted or participated in with representatives from the broader CJG network. A common response to the question of what CJGs would like to see coming out of the evaluation is that they would like to see greater recognition of the efforts of CJG staff and members, not only currently, but over the past two decades – it appears that this recognition is sought from government agencies, from other stakeholders and from the communities they serve.<sup>5</sup> Those who raised this seemed to be motivated by a mixture of pride in what they have achieved, frustration at what they perceive as being 'taken for granted' and as being historically under-resourced, concern that the view of Indigenous communities is too often deficit-based, and sadness about the passing of Elders who established and led CJGs for so many years.

It is not possible to do justice here to this three decade long 'community story', and Myuma's 'Our Community Justice' platform for communications and information-sharing is designed partly to address this imperative to improve awareness of the contribution of CJGs. Nevertheless, in providing the background to the CJG program in this section of the report, it is important to respect the feedback by providing a flavour of the community's perspectives on the history of CJGs, to complement the program history provided in the previous section.

As those involved in CJGs describe it, the community story of the CJG program is the story of a generation of Elders and community workers who saw CJGs as an opportunity to take a different approach to the social challenges confronting Aboriginal and Torres Strait Islander communities – an approach drawing from cultural foundations, local innovation and grassroots collective action, which they perceive to be in contrast to many program and service offerings conceived by governments to respond to Indigenous disadvantage. This community vision for the CJG program is clearly illustrated in the words of Jacob

---

<sup>5</sup> This was also noted in KPMG's 2020 report on consultations with CJGs for the blueprint: KPMG. (2020). *Community Justice Group Consultations: Community Justice Group Service Delivery Blueprint*, p.24.

George, the Acting Chair of the Indigenous Advisory Council, when opening the first conference bringing together of CJGs in Cairns in 1998 (see Box 1).

**Box 1. The community vision for Community Justice Groups, 1998**

*You would all be aware of the massive over-representation of our people, and particularly our youth, in the justice system. ....*

*For too long, governments have come to us with remedies which they've said would work. For too long, governments failed to ask us what we thought would be the best solutions. When they did ask for our opinion, they usually ignored it. Why? Because it did not fit into the framework of service delivery which has as its basis the precept that government know the answers.*

*But we do have ideas about how to reduce offending behavior in our communities. We do have ideas that, until now, have not been heard. And we are, in our own way, doing something about it...*

*[This] Conference is about community justice. It is a place where Community Justice Groups from all over the State can share ideas. And it is the place where justice groups can tell Queensland two things. One, the successes in keeping our people, especially our young people, out of the justice system. And two, the support that they are able to give to the people within the system, whether this involves the courts, corrections, community-based orders or parole.*

*The Community Justice Groups are supported by the LJIP. This Program differs from most government programs... The Program supports what the community wants, provided it is within relatively loose guidelines.*

*This conference will show that justice groups are effective, and that they are not expensive. They are also important in another way; that they allow communities to sort out their own problems in their own way. Sorting out your own problems is essential for your self-esteem, and self-esteem is a necessary component for the empowerment of Aboriginal and Torres Strait Islander people.*

*(Jacob George, A/Chair, Indigenous Advisory Council, 4 November 1998).*

The story of the establishment of the Aurukun Yuk-Puink Justice Group (see Box 2) illustrates the organic way in which CJGs were embraced by Aboriginal and Torres Strait Islander communities. The story highlights that the Aurukun CJG was founded on a desire to find a way forward based on cultural leadership and a stronger role for Elders, and that it was voluntary. This is a common feature in the genesis of many CJGs.

A common theme from the evaluation's interviews and focus groups with CJGs to date was the challenges that CJGs felt they had to overcome over the years where funding was perceived as inadequate to meet the expectations placed on them by government agencies, community stakeholders and community members themselves. Elders from one CJG told Myuma's evaluator about the difficult times when changes in government priorities had led to a "lull" in the Murri Court, when "it didn't have much power".

## Box 2. How the Aurukun Yuk-Puink Justice Group was established

---

*“I’m proud to sit back now after the hard work that I did. I started off when the first Justice Group started in 1998, when we first wasn’t paid, just doing the voluntary work to help police and justice in the community... With all the other Elders that passed on, I still remember them, but I grew from the knowledge from the Elders, which I appreciate because if we weren’t to have the Elders, we wouldn’t have got this far. In 2014, I was asked to be the coordinator... And as it went on we were supported by the Government and the workers from down south to help us roll out the new DV program. I really appreciated that because it was so exciting to have two workers, the male and female, so they can represent the DV [parties] in court ... And I think working with the police and the community is solving a lot of our problems and we are keeping people out of jail... And at the end now, I am so proud that we have got excellent funds now for 3 years, and now I can say that my hard work wasn’t in vain, but it was fruitful at the end.”*

---

They recalled how a committed Elder had “*carried it all*” for about two years. In a similar vein, Estelle Bowen, the current Coordinator of the Hope Vale CJG, recalled the long journey from starting out as a voluntary group in 1998 to being able to hire more staff to deliver Domestic Violence responses in 2021. (see Box 3). The issue of managing the competing demands on CJGs is a critical one for the Program and is discussed later in this report.

## Box 3. Estelle Bowen's journey (1998 to 2021)

---

*In November 1998, the coordinator of the Aurukun Yuk-Puink Justice Group, Saki Canaweka, told a justice conference in Cairns how the Aurukun group came to be. Saki opened by sharing a favourite saying of the Aurukun elder who had passed away. “He said, my boy no matter how much money you want to bring into the community it’ll never work. No matter how smart your idea is it will never work. The answer is in this hand of mine – the elders. Give the justice group and the elders all the support you can for them to perform what they should do for their people and the justice group. Money will never work; a smart idea will never do it. But if we bring the elders and put them into their place, they can lead the community to the right way, because they have the culture and spiritual understanding and belief to do it.”*

*The Aurukun Justice Group started from the Kowanyama customary law workshop [in 1997], after which 77 Aurukun elders were gathered together only one week later under a mango tree where they used to hold court and were challenged to form a justice group. Everything that was learnt from the workshop was explained to the elders and from there it was decided to choose fifteen representatives from the five clans of the community. Many elders declined because of other commitments but fifteen people volunteered from the five clans. Those fifteen representatives started the group. The first thing that was explained to them as a group was that the group is a voluntary group, and there’s no pay.*

*The name of the group – Yuk Puink – was given by the old man who passed away and it means “the right way”. It represents “the law that the people should believe that brings change to the community”.*

---

Some CJGs wanted the evaluation to give greater recognition to the efforts of those Elders who founded and built their CJG. During a focus group discussion, an Elder of the Rockhampton CJG reflected on the Elders who had lobbied for the establishment of the CJG at Rockhampton in the late 1990s: *“There were foundation Elders before us that we learnt from – the Fitzroy Basin Elders – and some have passed away sadly and some have retired, or got dementia. But I always remember them, when I walk into the courts, I think of them, you know. They had it hard, but they laid the foundation for all of us.”* Other Elders in the

discussion agreed, and talked about the need to recruit more members, so they could learn from the current Elders: *“We just need the next generation coming in to be as knowledgeable about the families as the [current] Elders.”* Renewal and succession for the CJG membership is discussed further in Part 5.8.3.

The ‘community story’ of CJGs is a reminder that, as valuable as CJGs have become for government over the decades of their operation, communities see them as a fundamentally community creation and they continue to carry the hopes and aspirations of the communities they serve. In his closing comments at the 1998 ‘Coming Together on Local Justice’ conference, Jacob George had two words of caution. One was a message to members of CJGs *“not to take on too much when you get back home – it is better to be effective in your priority areas than to spread yourselves too thinly.”* He also had a message for government:

*“The second word of caution is to the representatives of government agencies. You must never forget the community justice groups are the result of grass root community planning. They are community responses to the community problems, and depend for their success on decision-making at community level. I know that the government wishes to support these initiatives, but with the best will in the world, and with the best intentions, government agencies may destroy the justice groups if they were to make many demands of them. By all means be supportive of the groups but be flexible. And be careful to follow the community-based planning model. Above all, be aware the community-based decision making takes time that cannot be rushed. It may also produce a result which is not exactly what you are expecting.”* (Jacob George, 1998)

### 1.4 A new era for the CJG Program

The reinstatement of Murri Courts in 2015 and the funding enhancements since 2017 have led to a recent period of rapid change for the CJG program. As at December 2021, CJGs are funded in 40 locations across Queensland plus 10 outer Islands in the Torres Strait. These locations are indicated in Table 1 and Figure 1.

As Table 1 shows, the configuration of funded activities differs from place to place. A CJG is generally comprised of staff (a coordinator plus others) working with a group of Elders or respected persons from the community. In a location where only a CJG is listed, a core function of the group is to provide input into the mainstream Magistrates Court. From a funding program point of view, DJAG classifies Murri Courts as separate services to CJGs. In a location where both a CJG and a Murri Court is listed, most CJGs provide support to Murri Court only. In some locations, the funded activity is classified simply as a Murri Court. In practice, this means the Program funds staff to work with a group of Elders to participate in the Murri Court. This arrangement is analogous to a CJG in other locations, but the activity is designated in the Table as only Murri Court because the group is not funded to provide input to the mainstream courts. For ease of reference, in this evaluation, all sites will be referred to using the generic term CJG.

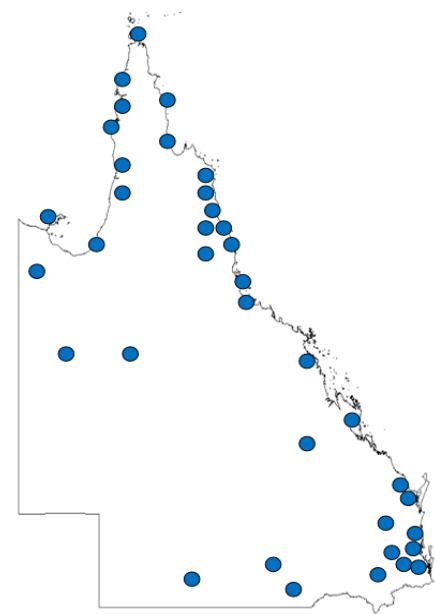


Figure 1. Map of CJG and IJP Programs

**Table 1. CJGs under the CJG Program**

IJP Operations SOUTH - Manager - Brisbane office				IJP Operations NORTH - Manager - Cairns office				LEGEND	
Location	CJG	S/I	In this Location	Location	CJG	S/I	In this Location	Programs	
Brisbane Office	Caboolture	I	MC-A	Cairns office	Aurukun	I	MSC ARJP	MC-A	Murri Court - Adult
	Goondiwindi	S	MSC		Napranum	I	MSC DFVE	MC-C	Murri Court - Children
	Ipswich	S	MSC MC-A	Cairns office	Lockhart River	S	MSC DFVE	MC-AC	Murri Court - Adult & Children
	Pine Rivers	I	MSC		Mapoon	S	MSC DFVE	MSC	Mainstream Court
	Toowoomba	S	MC-A		Tablelands	S	MSC	JP	Justice of the Peace (Magistrates) Court
Brisbane Office	Cherbourg	I	MSC MC-A JP DFVE	Cairns office	Wujal Wujal	I	MSC DFVE	HRYP	High Risk Youth Court
	Cleveland	S	MC-A		Cairns	I	MC-AC	DFVE	Domestic Family Violence CJG Enhancement Program
	Maryborough	I	MSC	Hopevale	I	MSC DFVE	DFVSCP	Domestic Family Violence Specialist Court Program	
	Wynnum (Supported by Cleveland CJG)	S	MC-A	Cairns office	Kowanyama	I	MSC JP DFVE	E (V)	Emerging CJG (Voluntary, not funded)
Brisbane Office	Hervey Bay	I	MSC		Mossman	S	MSC DFVE	ARJP	Aurukun Restorative Justice Program
	Logan	S	MSC DVSCP		Pormpuraaw	S	MSC DFVE	Governance arrangements	
	Richlands	S	MSC MC-A		Yarrabah	S	MSC DFVE	S	Sponsored CJG
	Rockhampton	S	MC-AC	IJO	Coen	S	MSC DFVE	I	Incorporated CJG
	Woorabinda	S	MSC DFVE		Kuranda	I	MSC		Statutory CJG (Discrete Aboriginal community)
Brisbane Office	Brisbane	S	MC-A		Mackay	S	MC-C A(to 25)	IJP	Indigenous Justice Programs
	Cunnamulla	S	MSC		Palm Island	S	MSC DFVE DVSCP	IJO	Indigenous Justice Officer
	Maroochydore	S	MC-A	Townsville	I	MC-A HRYC DFVSCP	**NPA includes Bamaga, Injinoo, New Mapoon, Seisia, Umagico		
	St George	S	MSC MC-A	Thursday Island office	NPA**	I	MSC DFVE		
Mt Isa Office	Cloncurry	I	MSC	Thursday Island*	I	MSC DFVE			
	Doomadgee	S	MSC DFVE	*Other Torres Strait Islands					
	Mornington Island	I	MSC DFVE	Badu (Mulgrave Is)	Masig (Yorke Is)	Iama (Yam Is)	Saibai (Sabai Is)		
	Mt Isa	S	MC-A DVFSCP	Boigu (Talbot Is)	Mer (Murray Is)	Kuban & St Pauls (Mua Is)	Warraber (Sue Is)		
Normanton	I	MSC	Erub (Darnley Is)	Poruma (Coconut Is)	Mabuig (Jervis Is)				

The various configurations of CJGs in Table 1 illustrate the centrality under the CJG Program model of the functions of CJGs related to the courts, whether mainstream Magistrates Courts, Murri Courts, JP Magistrates Courts or other specialist courts. This reflects that DJAG’s Service Agreements with CJGs have historically focused on ‘core funded activities’ encompassing court support to Aboriginal and Torres Strait Islander people to ensure they experience a culturally appropriate and culturally safe court process. With the limitations of the budget available to support CJGs, the funding program has distinguished between core funded outputs related to courts and non-core outputs in other activity domains.

The enhanced funding represents a watershed moment for CJGs, heralding new opportunities but also new challenges and expectations. In recognition of the scale of this change process, DJAG has been engaging with CJGs and other stakeholders since 2019 including through an Implementation Working Group to develop a *Framework for Stronger Community Justice Groups*, to guide the work of government agencies working with and supporting CJGs to deliver justice-related outcomes for Indigenous communities. The Framework outlines the Government’s efforts to refocus the CJG Program to better reflect the holistic role that CJGs play in the community and across the justice system, moving beyond the previous narrower focus of funding on court support functions. Figure 2 shows the way that CJG activities have been reconceptualised under the Framework’s refocused model for the CJG program.

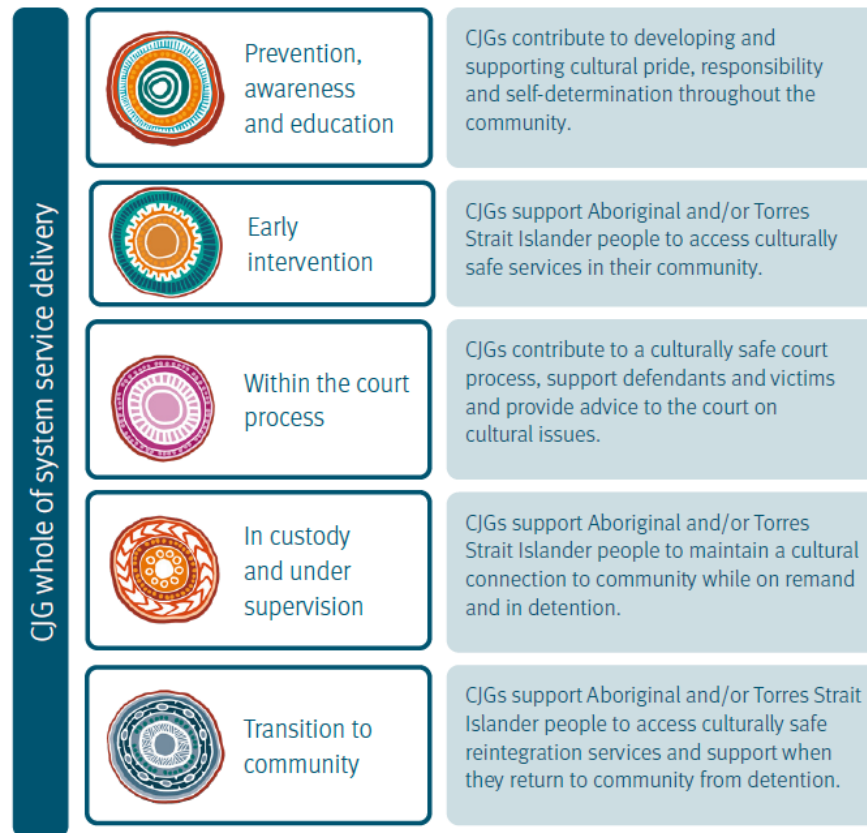


Figure 2. Refocused CJG Model (from *Framework for Stronger Community Justice Groups*, p.17)

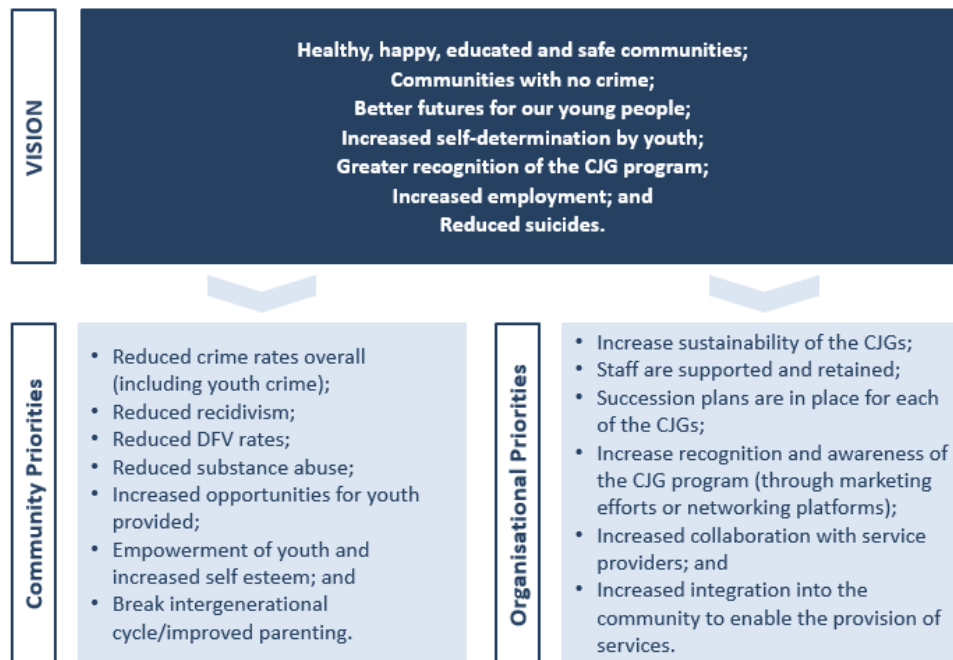
The Framework for Stronger CJGs with its refocusing of the CJG Program model aligns with important strategic shifts in government approaches to Indigenous policy in the past few years. The Queensland Government has committed to greater self-determination and voice for Indigenous Queenslanders through the *Tracks to Treaty* process.<sup>6</sup> A Queensland Productivity Commission report into service delivery in remote and discrete Indigenous communities in 2017 recommended greater support for community-driven solutions and local decision-making and putting communities at centre of service design.<sup>7</sup> The Queensland Government has since launched its *Local Thriving Communities* reforms, aimed at ensuring Aboriginal and Torres Strait Islander peoples have greater decision-making authority in regard to service delivery and economic development for the state's 19 remote and discrete Aboriginal and Torres Strait Islander communities. The evaluation understands the same principle of locally-led decision-making is guiding service reforms in urban and regional Indigenous communities. In the 2021 Closing the Gap

<sup>6</sup> Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships. (2021). *Tracks to Treaty*. Queensland Government. <https://www.dsdsatsip.qld.gov.au/our-work/aboriginal-torres-strait-islander-partnerships/reconciliation-tracks-treaty/tracks-treaty>

<sup>7</sup> Queensland Productivity Commission. (2017). *Inquiry into service delivery in remote and discrete Aboriginal and Torres Strait Islander communities*. <https://qpc.blob.core.windows.net/wordpress/2018/06/Service-delivery-Final-Report.pdf>



Implementation Plan, the Government has further commits to “reframing the relationship with Aboriginal and Torres Strait Islander Queenslanders, by partnering with Aboriginal and Torres Strait Islander organisations and communities in policy development and decision making, to ensure First Nations Queenslanders have a seat at the decision-making table.”<sup>8</sup> Increased investment in CJGs mirrors service delivery reforms in other sectors such as child protection and youth justice, which are moving to family-led and locally-led decision-making models and investing in the capacity of community-controlled sector. All of these strategic directions indicate the Queensland Government’s willingness to embrace and support community-driven responses to the justice and wider social issues confronting Aboriginal and Torres Strait Islander communities, which is at the core of refocused model for the CJG Program.



**Figure 3. CJGs' vision and priorities**

Importantly, the Stronger CJGs Framework refocused model for the CJG Program seeks to give effect to principles such as self-determination by responding to the broader aspirations expressed by CJGs themselves. When CJGs were engaged in a series of workshops in late 2019 about their vision and priorities, the result was a vision statement and set of priorities that is far broader than the Program’s previous focus on core funded activities in the court system (see Figure 3). The vision statement illustrates that CJGs see their role in broad terms as change agents, empowering members of their communities, especially young people, to live safer, healthier and more fulfilling lives. The vision statement shows that for CJGs, achieving justice outcomes is inter-linked with their communities’ need to address broader social justice challenges such as health, education, employment, parenting, substance abuse, DFV, mental wellbeing and self-esteem. This reflects the reality of the range of activities that CJGs choose to be

<sup>8</sup> Queensland Government. (2021). *Closing the Gap Implementation Plan*, p.4.  
<https://www.dsdsatsip.qld.gov.au/resources/dsdsatsip/work/atsip/reform-tracks-treaty/closing-gap/closing-gap-implementation-plan.pdf>

involved in, and in many cases have been involved in for many years on an unfunded and unsupported basis.

The current strategic policy environment strongly echoes the self-determination and community-based planning principles that dominated policy thinking in the 1990s, and were instrumental in the creation of the CJG Program at that time. The head of the Department administering the original CJG program in the late 1990s noted that the program was fundamentally different to others he had been involved with, because it “did not come from government”, but rather “from the community, where people decided that something had to be done about the problems in that community and worked out a way of dealing with it. The role of government in this process is just to support what is actually a community initiative.”<sup>9</sup> Many commentators have lamented the erosion of governments’ commitment to the principles of self-determination and community-driven development during the two decades since the late 1990s, however.<sup>10</sup> During this period, governments have pursued an approach to Indigenous disadvantage that has attempted to close the gap by investing in professionally run services, outsourced under competitive tendering arrangements under strict performance management regimes. In the main, this approach had an unintended consequence of disempowering Aboriginal and Torres Strait Islander communities and community-controlled organisations, and had limited success in closing the gap. A renewed recognition of the importance of community-driven solutions and a commitment to stronger investment in organisations that deliver them, like CJGs, is consistent with calls by Indigenous leaders.<sup>11</sup> The principles espoused in the Framework for Stronger CJGs can therefore be expected to be welcomed by Indigenous communities.

## 1.5 Indigenous over-representation in the justice system

As indicated in Part 1.2, CJGs were established in the 1990s as an initiative to address the problem of Indigenous over-representation in the criminal justice system, and this remains the long-term goal of the CJG Program.<sup>12</sup> This Part of the report reviews the trends and the current status of Indigenous people’s contact with the criminal justice system both across the State and in locations where CJGs work.

### 1.5.1 Imprisonment of Aboriginal and Torres Strait Islander adults

The imprisonment rate of Aboriginal and Torres Strait Islander adults in Queensland has been increasing over time. In 1988, the rate of imprisonment for Aboriginal and Torres Strait Islander adults in Queensland

---

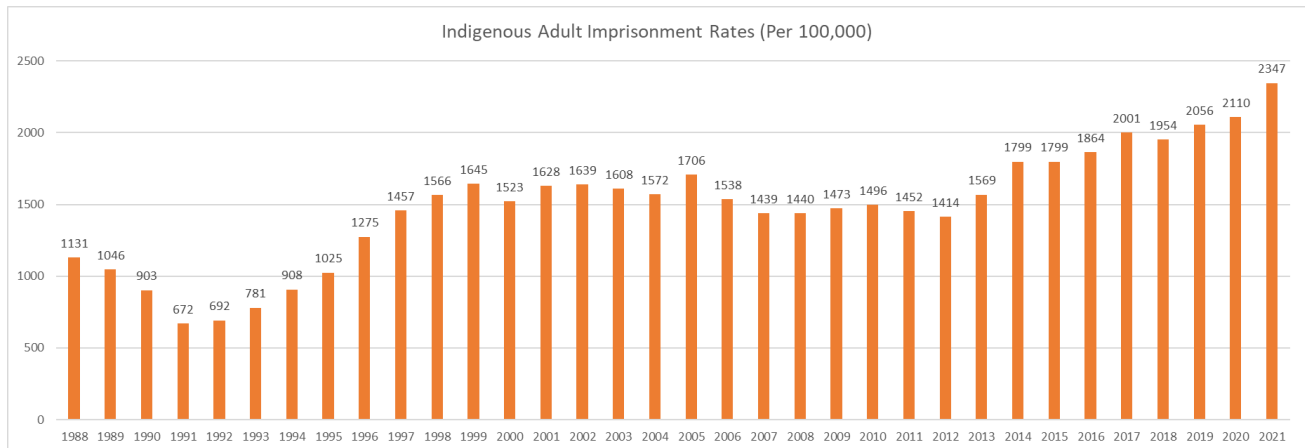
<sup>9</sup> Jim Wauchope, Executive Director, DATSIPD, at the ‘Coming Together on Local Justice’ Conference, Cairns, November 1998.

<sup>10</sup> World Vision Australia (2013). *Indigenous Development Effectiveness Initiative Report 1: Desktop review of initiatives related to community-driven development*, unpublished report.

<sup>11</sup> For example: Aboriginal Peak Organisations of the Northern Territory (APO NT) Partnership Principles for Organisations Working with Aboriginal organisations and communities in the NT, [www.amsant.org.au/apont/our-work/non-government-organisations/apo-nt-ngo-principles/](http://www.amsant.org.au/apont/our-work/non-government-organisations/apo-nt-ngo-principles/); Uluru Statement from the Heart (‘When we have power over our destiny our children will flourish’), [www.referendumcouncil.org.au/sites/default/files/2017-05/Uluru\\_Statement\\_From\\_The\\_Heart\\_0.PDF](http://www.referendumcouncil.org.au/sites/default/files/2017-05/Uluru_Statement_From_The_Heart_0.PDF); Just Reinvest NSW, Inc. (2021) *What is Justice Reinvestment?* Drumbeat. [www.justreinvest.org.au/what-is-justice-reinvestment/](http://www.justreinvest.org.au/what-is-justice-reinvestment/)

<sup>12</sup> CJG Program Guidelines, Part 4.0.

was 1,130 per 100,000<sup>13</sup>, and in 2021, the rate was 2,360 per 100,000.<sup>14</sup> In other words, the Indigenous adult imprisonment rate has more than doubled since the time of the Royal Commission. Figure 4 shows the steady rise in these rates over the past 30 years, and the worsening situation since 2017. In 1988 there were 431 Aboriginal and Torres Strait Islander persons in Queensland prisons, but in 2021 this number had risen to 3,479.<sup>15</sup> As Figure 5 shows, Aboriginal and Torres Strait Islander adults currently account for approximately 31 percent of Queensland’s prison population, but only four percent of Queensland’s total adult population.<sup>16</sup> Rates of imprisonment for Aboriginal and Torres Strait Islander people are 12 times the rate for non-Indigenous people.



**Figure 4. Growth in Indigenous adult imprisonment rate 1988-2021<sup>17</sup>**

<sup>13</sup> Carcach, C., Grant, A., & Conroy, R. (1999). *Australian corrections: The imprisonment of Indigenous people* (137). Australian Institute of Criminology. <https://www.aic.gov.au/sites/default/files/2020-05/tandi137.pdf>

<sup>14</sup> Australian Bureau of Statistics. (2021). *Corrective services, Australia: National & State Information About Adult Prisoners and Community Based Corrections, Including Legal Status, Custody Type, Indigenous Status, Sex*. Commonwealth of Australia. <https://www.abs.gov.au/statistics/people/crime-and-justice/corrective-services-australia/latest-release#persons-in-custody>

<sup>15</sup> Australian Bureau of Statistics (2021). *4517.0 Prisoners in Australia: Contains annual national information on prisoners in custody at 30 June, including demographic information, imprisonment rates, most serious offence*. Commonwealth of Australia. <https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release>; Carcach et al. (1999). *Australian Corrections: The imprisonment of Indigenous people*.

<sup>16</sup> Australian Bureau of Statistics. (2021). *Corrective services, Australia*.

<sup>17</sup> For 1995-2005 crude imprisonment rate for adult Indigenous persons, see ABS. (2005). *4517.0 Prisoners in Australia 2005*. For 2006-2021 crude imprisonment rate, see ABS. (2021). *4517.0 Prisoners in Australia 2021*. For 1988-1994 rates, see Carcach et al. (1999). *Australian Corrections: The imprisonment of Indigenous people*.

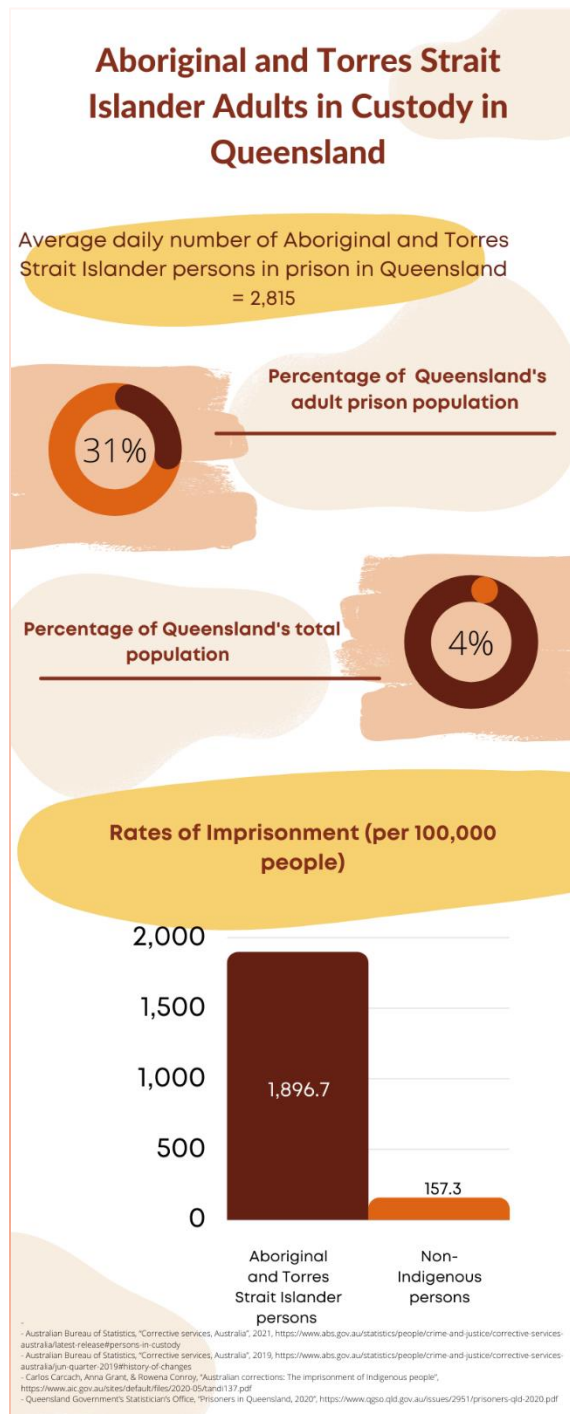


Figure 5. Indigenous adults in custody

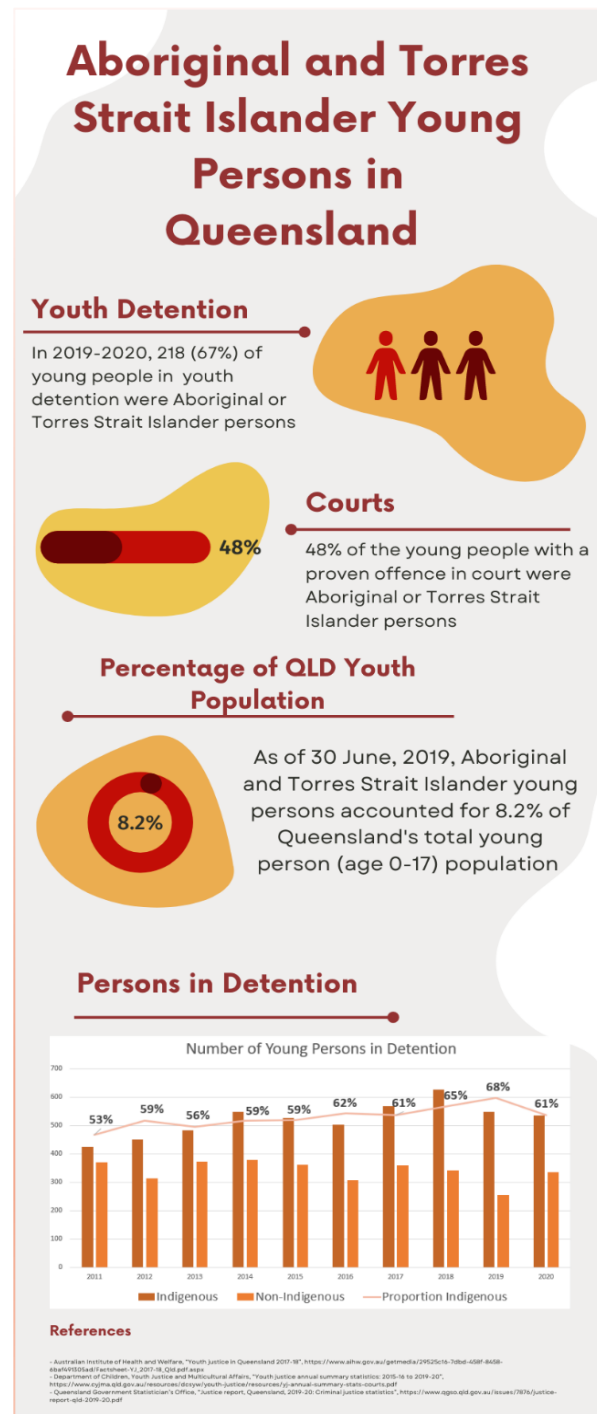


Figure 6. Indigenous children in the justice system

### 1.5.1 Detention of Aboriginal and Torres Strait Islander children

In 2019-20, two-thirds (67%) of all children in detention were Aboriginal or Torres Strait Islander, despite Aboriginal and Torres Strait Islander people accounting for only 8.2% of the total Queensland population aged 0 to 17.<sup>18</sup> The chart in Figure 6 shows the growth in the number of Aboriginal and Torres Strait Islander children in detention since 2011. The proportion of all children in custody who are Indigenous has risen from 53% in 2011. There are now more than 500 Aboriginal and Torres Strait Islander children in detention.

### 1.5.2 Sentencing of Aboriginal and Torres Strait Islander persons

In 2021, the Queensland Sentencing Advisory Council released a report on the sentencing of Aboriginal and Torres Strait Islander people in Queensland from 2005-06 to 2018-19.<sup>19</sup> Some key statistics from this report are set out in Figure 7. Two points stand out in relation to the work that CJGs do in Magistrates Courts. Firstly, the use of custodial penalties in the Magistrates Court has almost doubled for Aboriginal and Torres Strait Islander adults and children between 2005-06 and 2018-19. In 2005-06, an Indigenous person appearing before the Magistrates Court had about a 1 in 8 chance of being given a custodial sentence. By 2018-19, this was almost a 1 in 4 prospect.

A second point is that the most common offence categories for Aboriginal and Torres Strait Islander people appearing in court were:

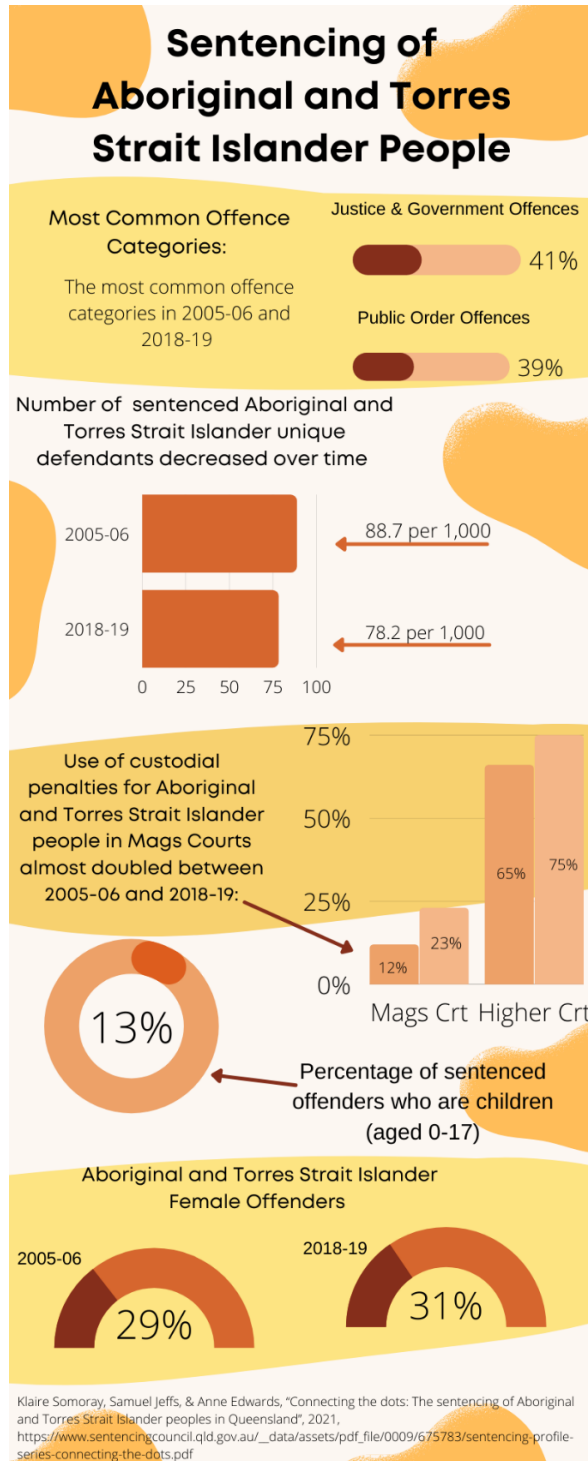
- ‘Justice and government’ offences (41% of cases), of which about one-quarter were for breach of bail;
- ‘Public order’ offences (39% of cases), of which over half involved a public nuisance offence. Public order offences comprise only 24% of cases for non-Indigenous offenders.

These low-level offences would seem to relate to the sort of behaviour that could be prevented through CJGs’ work in Indigenous communities, such as ensuring people do not breach bail (i.e. appear in court), or are diverted into activities where they will be less likely to be charged with public order offences. These charges would also seem to relate to behaviour that would be suitable for diversion to other forms of support

---

<sup>18</sup> Department of Children, Youth Justice and Multicultural Affairs (2020-2022). *Demographics*. Queensland Government. <https://www.cyjma.qld.gov.au/about-us/performance-evaluations/our-performance/demographics>

<sup>19</sup> Somoray, K., Jeffs, S. (2021). *Baseline Report: The Sentencing of People in Queensland*. Queensland Sentencing Advisory Council, p.22. [https://www.sentencingcouncil.qld.gov.au/\\_data/assets/pdf\\_file/0005/684464/sentencing-profile-series-baseline-report.pdf](https://www.sentencingcouncil.qld.gov.au/_data/assets/pdf_file/0005/684464/sentencing-profile-series-baseline-report.pdf)



**Figure 7. Sentencing of Indigenous offenders**

### 1.5.3 Aboriginal and Torres Strait Islander contact with courts in CJG locations

The evaluation has also analysed Queensland Wide Inter-linked Courts (QWIC) data for the locations where CJGs are located. The first objective of this analysis is to better understand the nature of Aboriginal and Torres Strait Islander persons' contact with the courts in these locations, which provides insights into the issues that CJGs are trying to prevent or mitigate, and the potential workload for CJGs seeking to support people through the courts. This is useful for understanding how and where the CJG program can make the most impact. The second purpose of the analysis is to provide a baseline against which it might be possible to measure the success of targeted CJG strategies over a period of years. For example, if a CJG implements programs or strategies (such as a drop-in centre or night patrol) designed to specifically address the high incidence of Aboriginal and Torres Strait Islander children committing theft or public order offences in a particular location, then the courts data will enable measurement of the success of that strategy over time. Similarly, if a DFV project is seeking to reduce the number of breaches of DV orders in a remote community, then the courts data will enable the success of this to be measured.

The number of finalised appearances<sup>20</sup> for Indigenous defendants in courts at CJG locations is set out in Figure 8. It shows that numbers of appearances over the course of a year range from 68 in a small Cape York community such as Coen, to 3953 in a regional city such as Cairns. Other locations with high numbers of appearances include Townsville (3029), Brisbane (CBD) (1898), Mount Isa (1330), Rockhampton (1181) and Beenleigh (1014).

Figure 9 shows the number of unique Indigenous defendants at the same locations for 2019-20<sup>21</sup> – this is less than the number of court appearances because some defendants have multiple court appearances. The chart shows that the number of Aboriginal and Torres Strait Islander people with finalised court appearances ranges from only 21 at Wujal Wujal<sup>22</sup> to 2073 in Cairns. Across all CJG locations including the Torres Strait, there were 14,734 finalised court appearances for Aboriginal and Torres Strait Islander persons in 2020-21. There were 9975

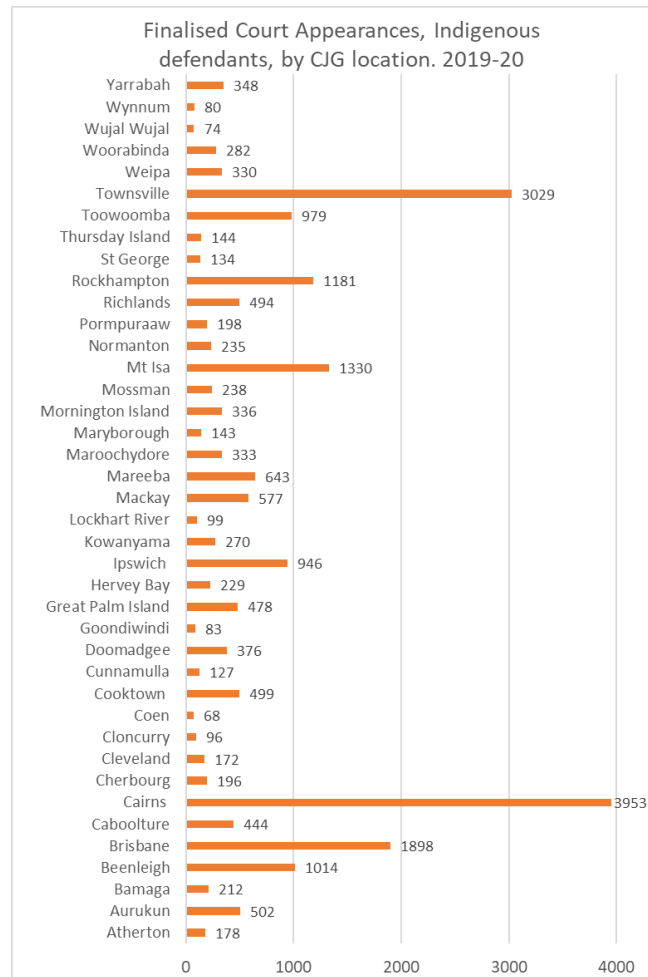


Figure 8. Court appearances at CJG locations (QWIC)

<sup>20</sup> A finalised appearance is the outcome for each charge or offence determined by the court. More than one finalisation can come from a case.

<sup>21</sup> Data includes number of unique Indigenous defendants with finalised appearances (convictions) at each CJG location in 2019-20. Data is missing for Aurukun, Maroochydore, and Mossman.

<sup>22</sup> Note that Wujal Wujal and Hopevale defendants mostly appear in Cooktown.

Aboriginal and Torres Strait Islander persons (unique individuals) with finalised court appearances in 2020-21, which represents 23% of all persons with finalised court appearances in CJG locations. Around 31% of these Aboriginal and Torres Strait Islander offenders were female, which is substantially higher than the non-Indigenous cohort, which was 24% female.

Various other charts containing QWIC data for courts in CJG locations are set out in Appendix 1. They show that in the CJG locations, Aboriginal and Torres Strait Islander persons accounted for almost a quarter of convictions. Almost one quarter of these convictions were for offences against justice. In line with the Statewide data in the QSAC report discussed earlier, public order offences were also among the top offences of which Aboriginal and Torres Strait Islander persons in CJG locations were convicted. Convictions against Aboriginal and Torres Strait Islander persons for public order offences were especially high in some locations: 63 percent of convictions in Kowanyama, 44 percent of convictions in Woorabinda, and 43 percent of convictions in Pormpuraaw were for public order offences. For convictions, the most common outcome for CJG locations, overall, was fine and default imprisonment, which account for almost half of all sentences in 2020-21, and has increased by six percentage points since 2019-20. The next most common sentence was a sentence of imprisonment (which includes a single and concurrent prison sentence, cumulative prison sentence or detention) and then probation. Sentences of imprisonment account for 15 percent of sentence outcomes for Indigenous offenders in courts at CJG locations in 2020-21, which has declined from 19 percent in 2019-20. The reasons for the decline in sentences of imprisonment could be related to COVID-19, but merit further investigation.

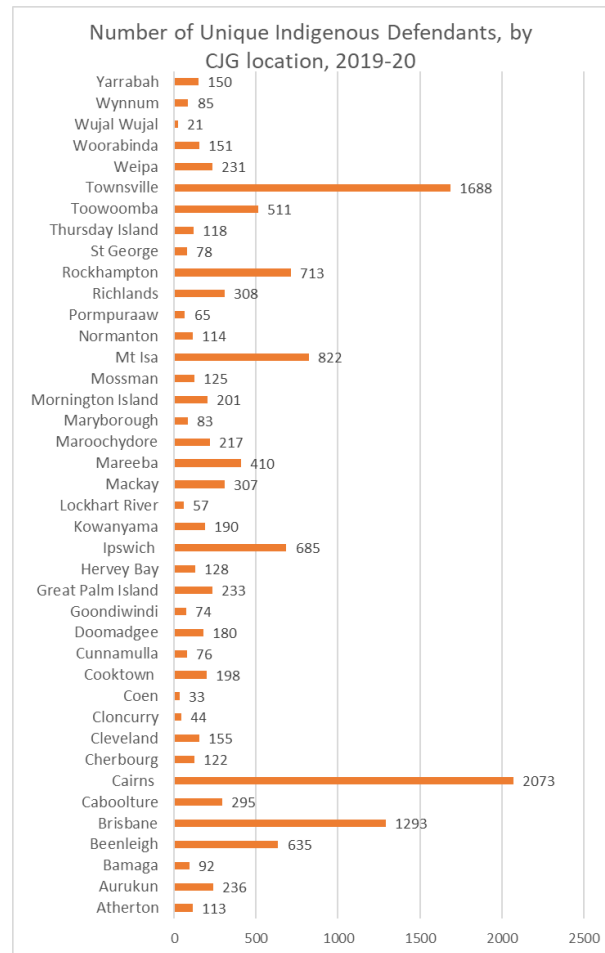


Figure 9. Unique defendants at CJG locations (QWIC)

With regard to domestic and family violence (DFV) matters, lodgements in the CJG locations remained steady between 2019-20 and 2020-21. Convictions for DFV matters increased between 2019-20 and 2020-21 for both Aboriginal and Torres Strait Islander persons and non-Indigenous persons.

These figures highlight the disproportionately high level of Aboriginal and Torres Strait Islander persons' contact with the justice system in the communities where CJGs are located. They starkly illustrate the high level of demand for the support provided by CJGs to Indigenous people appearing before courts. They also underscore the importance of CJGs' efforts to prevent and divert people from entering the criminal justice system. The evaluation will be accessing the data for CJG locations periodically between now and the final evaluation report in late 2023, with a view to gauging whether CJGs' interventions are having demonstrable impacts on court statistics.



## 1.6 The importance of an evaluation at this time

In the context of the significant changes in the CJG Program outlined above, an evaluation at this point in time has a vital role to play in assisting the Government and CJGs to maximise the Program's impact. The evaluation is being conducted at a time when CJGs are still phasing in the new resources and building their capability to deliver enhanced activities. DJAG is seeking to provide targeted support around these change processes. Other Government agencies are considering the implications of the new CJG resourcing and the refocused model for how they work with and support CJGs. In these circumstances, evidence emerging from the evaluation about 'what works and what doesn't' can be used immediately by CJGs, DJAG and other Queensland Government agencies to iteratively adjust their approaches to improve outcomes. For this reason, the first phases of the evaluation have a strong focus on Program implementation issues, especially the program's inputs and delivery of outputs, and the success factors and inhibiting factors for Program delivery. An important feature of the evaluation process is the collection and rapid dissemination of utilisable data and findings on an ongoing basis, to enable continuous improvement of the program.

An evaluation is also, of course, an opportunity to understand the impact of the Program. While data will be collected about outcomes throughout the 3-year evaluation, this will be a particular focus during the final year. An advantage of the evaluation design is that data collected during the first two years will provide a baseline for comparison of progress in achieving outcomes over the subsequent years. Documenting evidence about the Program's impact will provide long-overdue recognition for the efforts of those working within CJGs. It will also enable the Queensland Government to understand the value achieved from its additional investments in CJGs through the CJG enhancement and the DFV enhancement funding.

## 2 The evaluation process

### 2.1 Background

Myuma Pty Ltd was engaged by the Department of Justice and Attorney General (DJAG) in January 2021 to conduct a 3-year evaluation of the Community Justice Group (CJG) Program, incorporating the Domestic and Family Violence Enhancement. Myuma is a social enterprise owned and operated by the Indjalandji-Dhidhanu people of the Camooweal region in north-west Queensland. Myuma's vision is to empower Indigenous community leadership of evaluation of government programs and services by bringing together leading evaluation practitioners from universities, the public sector and the private sector with a network of regional Indigenous community development practitioners with deep connections into local Indigenous communities. For this evaluation, Myuma assembled a team of 10 Aboriginal and Torres Strait Islander evaluators and community development practitioners based in Brisbane, Cairns, Rockhampton, Townsville, Coen and Camooweal, supported by two non-Indigenous evaluators, a data analyst, two Indigenous research assistants and an Indigenous communications officer.<sup>23</sup>

### 2.2 Evaluation objectives

In 2020, DJAG produced a detailed *Evaluation Framework for Community Justice Groups*. This Framework guided Myuma's initial proposal for the evaluation and the subsequent development of the Evaluation Plan in May 2021.

The Evaluation Framework poses the following Overall Evaluation Question:

*How is the CJG Program working? What difference is it making?*

The objectives of the Evaluation are to *determine the extent to which*:

- the CJG program, including the DFV program, is operating as intended across Queensland
- communities are addressing justice-related issues and community goals and in what ways. *What is working well in what contexts?*
- communities are safe and contacts with the criminal justice system have been reduced. *Who are the strategies working for? What would it take for good outcomes with others?*

As reflected in these three objectives, the evaluation is focused on:

- implementation (inputs)
- the services being delivered (outputs)
- the changes for individuals, families and communities (outcome and impacts).

Appendix 5 of the Evaluation Framework sets out the Program Logics for the CJG Program and the DFV Enhancement, containing the key inputs, outputs and outcomes.

### 2.3 Evaluation Scope

The evaluation is a combined evaluation of the CJG program, encompassing both:

---

<sup>23</sup> For more information about the evaluation team, visit [www.ourcommunityjustice.org](http://www.ourcommunityjustice.org).

- the operation of the broader CJG program (operating under a refocused model) in 40 locations, and
- the CJG Domestic and Family Violence (DFV) Enhancement program in 18 locations.

In 15 locations, CJGs also provide support to Murri Courts. The Murri Court initiative was evaluated recently, in 2018 and 2019. While the work of CJGs supporting Murri Courts is within the scope of the CJG evaluation, the process will not replicate the detailed analysis of Murri Court processes and outcomes set out in the Murri Court evaluation report.

### **2.3.1 Scope of Phase 1 report CJG program implementation focus**

In the CJG Evaluation Framework, Phase 1 of the evaluation, running from February to October 2021, is focused on implementation of the CJG program, with particular emphasis on the **inputs**, with following guiding questions.

#### *In Phase 1: Focus on Inputs (central to the implementation focus of the evaluation)*

*To what extent is the CJG Program, including the DFV program, operating as intended? Are the foundations in place for the delivery of quality services?*

- Are systems and processes in place for CJGs to provide quality cultural justice services?
- Do relevant government agencies recognise and support the CJGs?

The Evaluation Frameworks put the **outputs** as the focal point for Phase 2 of the evaluation in 2022. However, Myuma has taken the view that it is not possible to consider the program's inputs in isolation from the outputs, because the fundamental question about a Program's implementation is whether the inputs are adequate and appropriate to achieve the intended outputs. Further, stakeholder feedback has indicated that many people are unclear about what CJGs actually deliver in practice, and there is contention about which areas CJGs should focus on. Therefore, the scope of this report has also included a detailed description of the outputs being delivered by CJGs across a wide range of activity domains. The scope of this report therefore also encompasses many of the Phase 2 questions about input:

#### *In Phase 2: Focus on Outputs (also part of the implementation focus of the evaluation)*

*To what extent and how are communities addressing justice-related issues? What is working well, in what contexts? What would it take to remove blockages?*

- Are CJGs providing cultural leadership and expertise to courts?
- Are CJGs pursuing community development approaches and embedding community specific initiatives to prevent offending and address issues related to offending?
- Are CJGs supporting people across the justice system?
- Are government agencies and CJGs working together where appropriate to develop, support and embed services that address justice issues?

### **2.3.2 Focus on DFV Enhancement implementation to be in further report in May 2022**

While the evaluation scope includes both CJGs and the DFV enhancement (DFVE) programs and services funded through 18 CJG organisations in discrete Indigenous communities, this report does not provide a detailed analysis of the implementation of the DFV enhancements. The reason for this is that the evaluation team has not had the opportunity in 2021 to visit a sufficient number of DFVE sites to collect data for this analysis. For various reasons, visits to DFVE sites identified for 2021 visits were not able to occur. Instead, the evaluation will be providing a supplementary report specifically on the DFVE implementation in May 2022, by which time data will be available from several DFVE sites.

## 2.4 Evaluation method

During February to April 2021, the Myuma evaluation team engaged with a range of CJG program stakeholders to refine the approach to conducting the evaluation. The Myuma team also held a 3-day workshop at Myuma’s Dugalunji Camp near Camooweal in March 2021. An Evaluation Plan was agreed with DJAG’s Evaluation Management Team at the end of May 2021.

### 2.4.1 Focal CJG activity domains for the evaluation

The Evaluation Plan identified the CJG activity domains illustrated in Figure 10 as the areas for particular focus in the current evaluation.

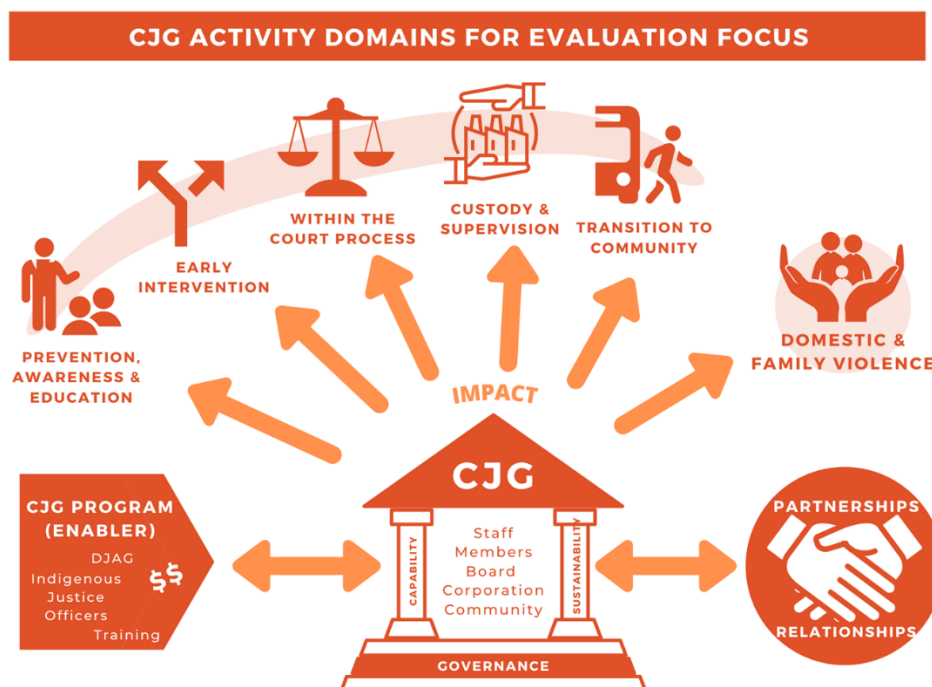


Figure 10. Focal activity domains for CJG evaluation

### 2.4.2 Approach to the evaluation

The evaluation approach is guided by the broad objective that the evaluation will not only assess the effectiveness of CJGs, but also inject and cultivate new capabilities for CJGs to plan, deliver, measure and adapt innovative local strategies to reduce Indigenous people’s contact with the criminal justice system. With this overarching objective of empowerment in mind, the planned approach incorporates the following methodological features:

- (a) A strengths-based, storytelling approach using ‘Appreciative Inquiry’ methods
- (b) A ‘Developmental Evaluation’ approach to assist emerging initiatives in some locations
- (c) A ‘principles-focused’ approach to cater for diversity across CJGs
- (d) Participatory planning and co-design in conducting local evaluations
- (e) Respecting and strengthening Indigenous data sovereignty
- (f) Mixed methods approach, across local and Statewide components

The evaluation method has two streams:

- Local Evaluations conducted by team members at CJG locations across the State over the 3 year evaluation period
- State-wide evaluation stream involving (a) quantitative data collection through surveys, Program administrative data, and analysis of criminal justice statistics and (b) qualitative data collection through desktop analysis and stakeholder interviews with agencies, NGOs and Magistrates

The evaluation also involves a communications platform, Our Community Justice, to enable sharing of information across the CJG network about established and emerging good practice in implementing local justice strategies, including data collected from the evaluation.

### 2.4.3 Ethics

The evaluation developed a set of ethical protocols governing the data collection and analysis for the evaluation, in line with best practice guidelines for research involving Aboriginal and Torres Strait Islander peoples. DJAG has not required that Myuma’s ethical protocols receive a formal approval from a Human Research Ethics Committee (HREC). Instead, the Evaluation Management Team reviewed and approved the ethics protocol in June 2021. Key features of the ethics protocol include: negotiating written agreement with each CJG about the data collection to be undertaken for the Local Evaluation at that site, as part of a co-design process; an information sheet and consent form for all data collection activities; a data management plan.

### 2.4.4 Statewide evaluation stream data collection to date

For Phase 1, the evaluation team has undertaken the data collection activities set out below.

Activity	Description
<b>Desktop review</b>	<ul style="list-style-type: none"> <li>➤ Program Guidelines</li> <li>➤ Funding information and Service Agreements</li> <li>➤ Review of IJOs’ reports on Issues and Successes</li> <li>➤ Review of IJOs’ reports on quarterly performance conversations</li> <li>➤ DJAG Service Mapping with 28 CJGs</li> <li>➤ DJAG Training Needs Survey</li> <li>➤ CJG Quarterly Performance Reports (selected sites)</li> <li>➤ Court support activity data submitted by CJGs (all sites)</li> <li>➤ Stronger CJG Framework</li> <li>➤ IJP/CJG training spreadsheet</li> </ul>
<b>CJG Stakeholder Survey (DJAG with Myuma input)</b>	<ul style="list-style-type: none"> <li>➤ 132 responses from Government agencies, NGOs, CJGs and other stakeholders</li> </ul>
<b>Statewide qualitative interviews</b>	<ul style="list-style-type: none"> <li>➤ 20 interviews or focus groups with 54 representatives of 14 government or non-government organisations, including: <ul style="list-style-type: none"> <li>○ DJAG</li> <li>○ Magistrates</li> <li>○ ATSIP</li> <li>○ Queensland Corrective Services</li> <li>○ Queensland Police Service</li> <li>○ Youth Justice</li> <li>○ Child Safety</li> <li>○ Family Responsibilities Commission</li> <li>○ Education Queensland</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Queensland Health</li> <li>○ Department of Premier and Cabinet</li> <li>○ Queensland Sentencing Advisory Council</li> <li>○ Aboriginal and Torres Strait Islander Legal Services</li> </ul>
<b>Criminal justice statistics</b>	<ul style="list-style-type: none"> <li>➤ Queensland Wide Inter-linked Courts (QWIC) data for Aboriginal and Torres Strait Islander persons contact with courts at locations for 40 CJGs across the State</li> <li>➤ StatShot profiles of discrete Aboriginal and Torres Strait Islander communities</li> <li>➤ Publicly available data about various aspects of over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system</li> </ul>

All interview transcripts, notes and text data were entered into a database. These data were analysed and coded using Nvivo qualitative data analysis software. This software permits the easy identification of patterns and common themes in qualitative data, enhancing the rigour of qualitative data analysis.

#### 2.4.5 Local Evaluation data collection to date

Myuma’s team of regional evaluators conducted Local Evaluations in the locations listed below between July and October 2021.

Location	Community Justice Group	Auspic body (if applicable)
<b>Goondiwindi</b>	Goondiwindi Community Justice Group	Care Goondiwindi
<b>Rockhampton</b>	Yoombooda gNugeen Aboriginal and Islander Community Justice Panel	Juwarki Kapu-Lug
<b>Mackay</b>	Pioneer Murri Court Elders Group	Aboriginal and Torres Strait Islander Community Health Service Mackay Ltd
<b>Normanton</b>	Lamberr Wungarch Justice Group Inc	
<b>Doomadgee</b>	Doomadgee Community Justice Group (established under legislation as Ngooderi Mabuntha Community Justice Group)	North West Queensland Indigenous Catholic Social Services

Sites for the Local Evaluations in Phase 1 were selected through a process of first shortlisting CJGs with a reputation for strong performance, and then conducting preliminary engagement with these sites to gauge their interest in being involved in 2021. Eight sites were identified for visiting in 2021, but only the five above have sufficient data to include in this report.

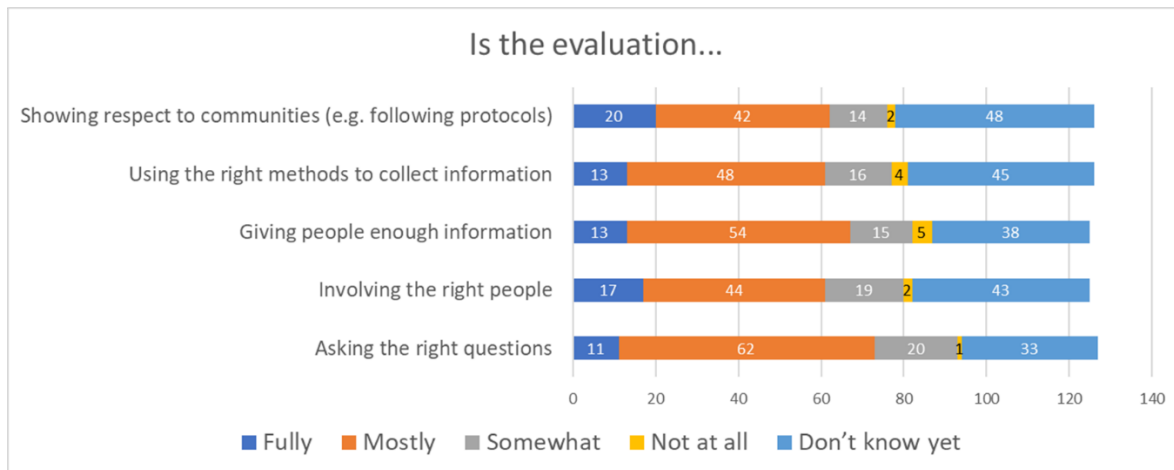
At each Local Evaluation site, the evaluation team member co-designed a Local Evaluation Plan and Agreement with the CJG covering off on the following evaluation activities:

- Activity mapping undertaken with CJG staff and members to understand how CJGs allocate their time across activities/outputs
- A community survey, conducted by local field workers nominated by the CJG and engaged and paid by the evaluation team
- Interviews or focus group discussions with local stakeholders from the justice system, NGOs and the community (identified with CJGs)
- Collection or analysis of any other data that the CJG identifies as useful for the evaluation.

In practice, this participatory, co-designed approach to the Local Evaluations led to strong involvement by CJGs in the data collection, including assisting the evaluator with interviews and performing the role of field researchers to collect interviews from the community.

**2.4.6 Feedback on the evaluation to date**

The Stakeholder Survey included some questions seeking feedback on how the evaluation is being conducted. While it is early in the three year process and many people responded with ‘don’t know yet’, this survey provides an indication that many people believe the evaluation is on the right track. The survey will be repeated in future years of the evaluation, enabling feedback to be taken into account.



### 3 Inputs: What is being invested in the CJG Program?

#### 3.1 Introduction

To provide an understanding of the constituent elements of the CJG Program, this Part 3 describes the range of inputs that are invested in the Program by government, other stakeholders and Indigenous communities themselves, with the intent of achieving the Program’s purpose. In this Part, the evaluation does not comment on the adequacy of the Program inputs, as this cannot be considered properly without understanding what outputs the Program is delivering. Part 4 therefore describes the Program outputs, before Part 5 returns to examine the question of adequacy of the inputs to achieve the desired outputs.

#### 3.2 Program purpose

The CJG Program Guidelines acknowledge that the state-wide CJG program is ‘*underpinned by the goal of reducing the overrepresentation of Aboriginal and/or Torres Strait Islander people in the criminal justice system.*’ Further:

*‘DJAG recognises the role CJGs play in service delivery across key impact points in the criminal justice system including prevention, education and awareness; early intervention; the court process; in custody; under supervision; and transition from custody back into community. Further recognition is attributed to the CJGs role in contributing to positive criminal justice outcomes for their communities.’ (CJG Program Guidelines 2020)*

#### 3.3 Summary of Program inputs – what is invested in CJGs

An input is simply something that is invested into a Program to enable it to deliver its outputs (activities), and might include funding, staff time, capital, materials, systems, technology, information, research and partnerships. The current Program Logic for the CJG Program and DFV Enhancement lists the Program inputs simply as follows:

- Systems and processes are in place to build and maintain the capacity of CJGs to provide quality services.
- Government agencies recognise and support CJGs.

For the purposes of the evaluation, it is important to identify the Program inputs in a greater level of detail. The key inputs for CJGs are set out in Table 2.

**Table 2. Summary of CJG Program inputs**

Program input	Summary description
Funding to CJGs	<ul style="list-style-type: none"> <li>• DJAG provides funding to 40 CJGs around Queensland</li> <li>• Total funding pool is \$13.4M in 2020/21</li> <li>• Each CJG receives a baseline amount of \$200,000 per year, plus \$81,000 for a ‘community-specific activity’</li> <li>• 18 CJGs in discrete communities can receive an additional \$150,000 per year for a DFV Enhancement service</li> <li>• Some CJGs receive extra funding for specialists courts or projects</li> </ul>



<b>Program infrastructure</b>	<ul style="list-style-type: none"> <li>• The funding to CJGs is underpinned by the policies, systems, structures and documents that govern and facilitate the Program (the program ‘infrastructure’)</li> <li>• DJAG employs 21 staff in Indigenous Justice Programs to manage and support this program infrastructure. It should be noted that the scope of some staff is broader than supporting the CJG program. This count also includes the IJOs and Managers listed in the next section of the table.</li> <li>• The program infrastructure includes program guidelines and Service Agreements, a funding application process, grant management system, various data collection systems and program governance structures</li> </ul>
<b>Indigenous Justice Officers</b>	<ul style="list-style-type: none"> <li>• DJAG employs 10 Indigenous Justice Officers and 2 managers within IJP, based mostly in Cairns and Brisbane with 1 in Mt Isa, 1 in Townsville and 1 in Thursday Island</li> <li>• IJOs are responsible for managing the contracts with CJGs, including reporting requirements, but also play a much broader role in capacity-building and support for CJGs</li> </ul>
<b>Training and development for CJGs</b>	<ul style="list-style-type: none"> <li>• DJAG provides training and capacity development for all CJG staff and members in relation to their work in courts, plus some limited training in governance and administration</li> <li>• CJGs have funding within their current budgets to access other training and development opportunities.</li> </ul>
<b>Other government agencies’ support and partnerships</b>	<ul style="list-style-type: none"> <li>• In minor ways, other government agencies may provide in-kind support (e.g. travel or equipment), capacity-building (e.g. training) or advocacy to CJGs, especially in relation to activities where they partner with CJGs</li> </ul>
<b>NGOs’ support and partnerships</b>	<ul style="list-style-type: none"> <li>• Indigenous and non-Indigenous NGOs may also support CJGs in various ways, including training and resources</li> <li>• NGOs that auspice CJG funding agreements often play a significant support role</li> </ul>
<b>Volunteering by community members</b>	<ul style="list-style-type: none"> <li>• The knowledge, skills and effort of Elders and respected persons who become members of CJGs are a crucial Program input</li> <li>• Although funding is now available to remunerate CJG members, voluntary efforts remain substantial. CJGs decide what costs they put aside for volunteer remuneration and how they distribute the volunteer remuneration (gift cards, direct payment). This is not limited by the funding and it is the CJG’s decision.</li> </ul>
<b>Knowledge of what works</b>	<ul style="list-style-type: none"> <li>• Knowledge about best practice strategies for addressing justice issues is an input for CJGs in planning and delivering activities and for DJAG in considering funding applications and how to support CJGs</li> <li>• Current inputs include information shared across the CJG network and face to face forums hosted by DJAG to support CJGs to share good practice</li> </ul>
<b>Legislative framework</b>	<ul style="list-style-type: none"> <li>• CJGs are recognised in State bail and sentencing laws as a source of information to courts in their decision-making</li> <li>• In discrete Indigenous communities, CJGs are established under legislation <i>Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984</i> and have some specific powers around alcohol management</li> </ul>

### 3.4 INPUT – Funding to CJGs

The key input for the CJG Program is, of course, funding for CJGs. From the mid-2000s until 2017, CJGs had been funded for an amount of only about \$100,000 each per year. The DFV Enhancement in 2017 meant that CJGs in 18 discrete communities could negotiate an additional \$150,000 per year for a co-designed DFVE service.

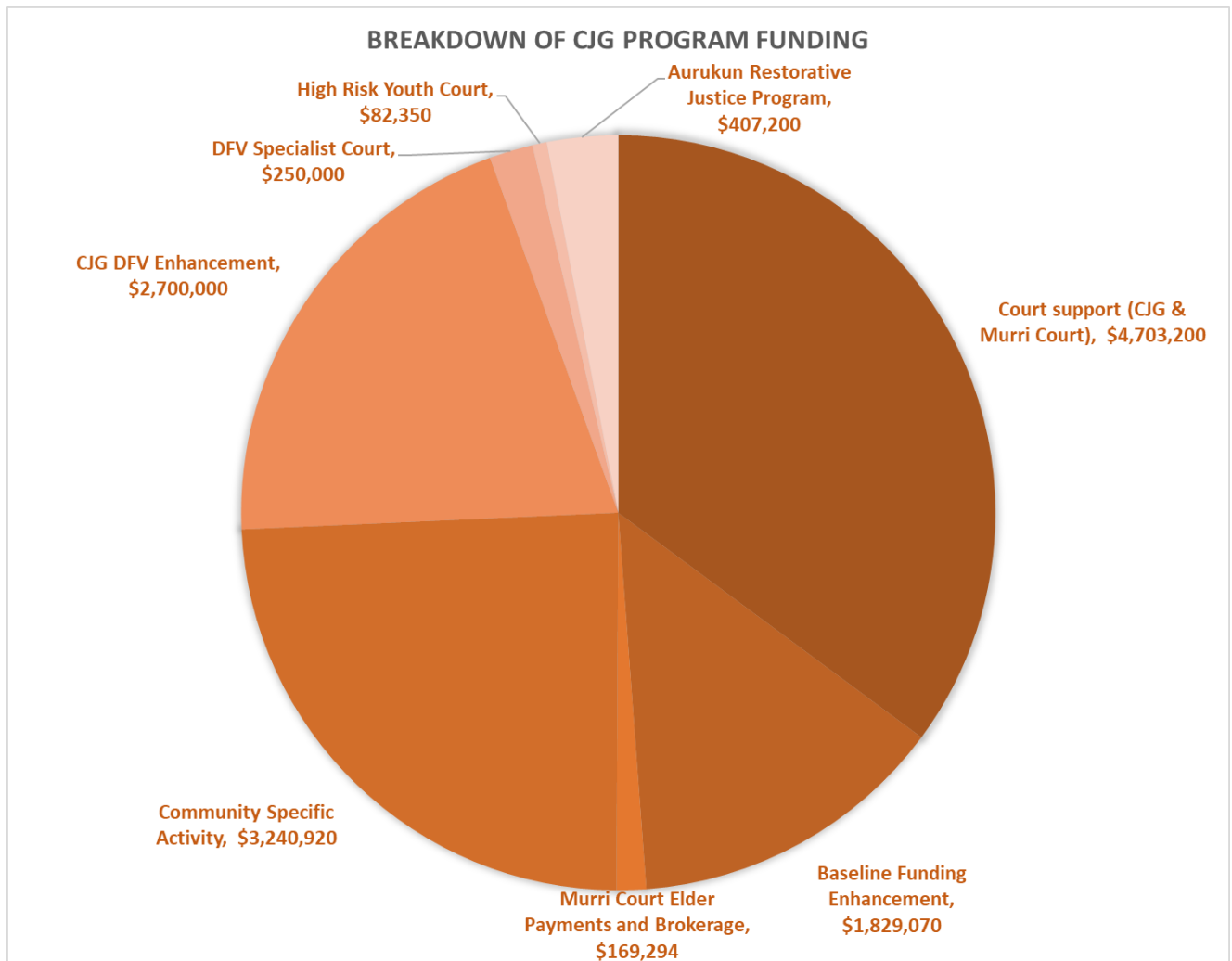
DJAG had been building the case for advocating for additional baseline funding for CJGs for some time, resulting in the CJG enhancement of \$19.4 million over four years announced in 2019. To respond immediately to the level of demand being expressed by CJGs, an additional amount of \$65,000 was made available to all CJGs in 2019/20 as an interim measure.

The Department then determined a model for the distribution of the funding enhancement on an ongoing basis. The decision was made to increase the \$100,000 baseline grants for CJGs' core functions to a new baseline of \$200,000 per group. The rationale was that this would then enable CJGs to attract suitably qualified staff, provide a reasonable level of operating expenses and introduce remuneration for Elders and respected persons for some of the work that they were doing as volunteers. The Department further decided to allocate the remaining funds equally across all CJGs (\$81,023 each) to include a community-specific activity each CJG's Service Agreement – for example, a men's or women's group, youth camp or some other locally-designed initiative.

The CJG Program also includes specific grants for CJGs to provide assistance for the specialist special courts – Murri Courts in 15 locations, DFV Specialist Courts (DFVSC) in Beenleigh, Palm Island, Townsville and Mount Isa, and a High Risk Youth Court (HRYC). In addition, the Aurukun CJG is funded to deliver the Aurukun Restorative Justice Project, which receives \$407,200 per year.

In Murri Court and specialist court locations, DJAG separately resources the Magistracy and the court registries to support delivery of the Murri Courts and specialist courts. This funding does not come from the CJG Program but complements the work of CJGs in those courts.

The breakdown of the Statewide CJG Program budget of \$13.4M in 2020/21 is illustrated in Figure 11. From the point of view of the 40 CJGs currently under the Program, the funding changes mean that most groups have had their funding increased from about \$100,000 per year prior to 2017, to about \$281,000 per year now (comprising \$200,000 baseline funding for core operations plus \$81,000 for a community-specific activity). CJGs in the 18 discrete communities receive an additional \$150,000 annually for their DFV Enhancement once a co-designed plan has been approved. Some CJGs receive additional amounts for Murri Court brokerage and fees, or supporting the Specialist DFV or High Risk Youth Courts.



**Figure 11. Allocation of CJG Program funding in 2020/21**

In the Torres Strait, CJGs on 10 outer islands also provide cultural input to the circuit court. The CJG Program provides an allocation of \$1,000 per year to support these CJGs. Stakeholders in the Torres Strait have raised concerns that these amounts are inadequate to support these CJGs to provide input to the court. In the past two years, one-off payments have been made to these groups out of surplus funds from the Program budget. In August 2021, \$4,000 was provided to each of the Torres Strait sites to enable purchase of a laptop, mobile phone, filing cabinet and stationery at each location.

A small number of CJGs also receive funding from other government agencies (including the Commonwealth Government) and philanthropic sources. For example, in 2019-20, the Wujal Wujal Justice Group received \$605,000 from the Australian Government for restorative justice, youth leadership and Indigenous languages and arts.

### **3.5 INPUT – Program infrastructure**

The program infrastructure comprises the policies, systems, structures and documents that govern the funding program, including:

- The funding application and approvals process

- The grants administration system
- Program Guidelines and policies
- Service Agreement templates
- Quarterly Performance Report templates
- Financial Report templates
- Data collection systems
- Program governance structures

The responsibility for administering this program infrastructure for the CJG Program lies with the Indigenous Justice Programs (IJP) branch in the Courts Innovation Program in DJAG. IJP comprises staffing of:

- Director
- 4 Operations staff (Statewide focus)
- 6 Operations staff in Cairns (5) and Thursday Island (1), supporting CJGs in Torres Strait, Cape York, Cairns region, North Queensland region
- 6 Operations staff in Brisbane (5) and Mount Isa (1), supporting CJGs in Central Queensland, South East Queensland, North West Queensland, and South West Queensland
- 4 Projects staff (Statewide focus)

The *CJG Program Guidelines* set out the intended program outcomes, some general requirements around service delivery, the specific service delivery activities funded under the program, and the performance measurement and reporting requirements.

The *funding application process* involves submissions by CJGs (as incorporated in their own right or through an auspicing organisation) being assessed by a Panel against defined criteria. In recent years, funding has shifted from annual to *triennial service agreements*. *Grant management* is undertaken using a series of Excel spreadsheets to track quarterly performance and financial and timing of funding releases.

The *data collection system and performance management system* is comprised of a combination of (a) court attendance data submitted by CJGs to the Department and collated centrally, and (b) CJG-specific performance monitoring and follow-up by Indigenous Justice Officers (IJOs) from the North and South Operations teams. The IJOs each have a number of CJGs they are responsible for supporting. The IJOs troubleshoot CJG performance issues as they arise and hold quarterly conversations with CJGs about their quarterly performance reports.

The *program governance structures* for the CJG Program currently comprise:

- The IJP leadership team, made up of the IJP Director and the Managers of the Operations area, Operations (North) and Operations (South) and Projects;
- Inter-Departmental Working Group (IWG), convened by IJP and comprised of representatives from a range of stakeholder agencies across Government;
- Evaluation Advisory Group (EAG) established specifically for the Evaluation, comprising representatives of stakeholder agencies, CJGs and ATSILS.

### 3.6 INPUT – Indigenous Justice Officers

The Department’s Indigenous Justice Officers (IJOs) play a crucial role in the delivery of the CJG Program. The positions are not ‘identified’ but there is a significant proportion of Aboriginal and Torres Strait Islander incumbents. The IJO network is illustrated in Figure 12 and comprises:

- A Manager and 4 IJOs based in Cairns support 18 CJGs across Far North Queensland and Cape York
- An IJO based in Thursday Island (reporting to the Cairns Manager) supports 2 CJGs on Thursday Island and the Northern Peninsula Area and 10 outer island CJGs
- An IJO based in Townsville (reporting to the Cairns Manager) supports 5 CJGs
- A Manager and 4 IJOs based in Brisbane supports 15 CJGs in Central Queensland, South Queensland and South West Queensland
- An IJO based in Mount Isa (reporting to the Brisbane Manager) supports 5 CJGs in North West Queensland.

The role of IJOs encompasses a unique mix of compliance around CJG contracts and reporting, capacity-building, data collection, and networking and relationship-building. Key duties include:

- monitoring and assisting CJGs/Murri Courts with compliance around the Service Agreement and associated performance and financial reporting
- providing or organising training or capacity-building for CJGs
- assisting CJGs to build networks across government agencies and NGO
- data collection and reporting around CJG participation in courts

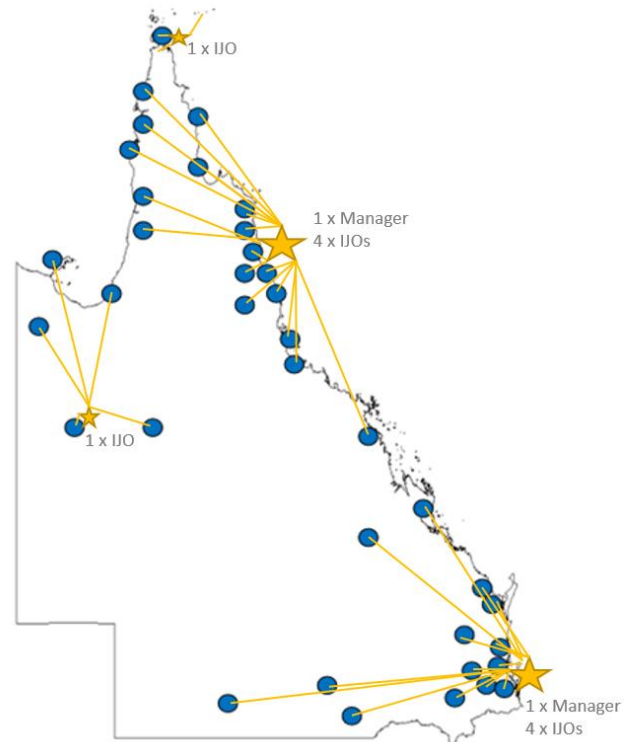


Figure 12. IJO Network

### 3.7 INPUT – Training and development for CJGs

Training for CJG staff and members contributes to their capacity to effectively plan and deliver activities that address the community’s justice-related needs. Under the CJG Program Guidelines, it is a requirement of funding for CJG staff and members to attend the Department’s ‘Operations of Court’ training and other listed training that is relevant to the activities they are contracted to provide, such as Murri Court training where the CJG is involved in Murri Court, and DFV training where a CJG is delivering DFV Enhancement services.

The Operations of Court training resource comprises both a workbook manual and PowerPoint presentation on five target-based modules and is delivered by IJOs:

- Module 1 – CJG overview (background and establishment of CJGs)
- Module 2 – QLD courts overview
- Module 3 – Legislation

- Module 4 – Conflict of interest and confidentiality
- Module 5 – Court submissions

There is a separate Murri Court training resource that comprises a workbook manual (that details reports, templates, policy and procedures) and PowerPoint presentation.

Discussion resources for IJOs to shape awareness and understanding in a visual and collaborative approach have been developed as PowerPoint presentations in:

- Resource 1 – Introduction to Service Agreement (awareness)
- Resource 2 – Reporting, Performance and Templates
- Resource 3 – Community visits and planning
- Resource 4 – My Place Dry Place
- Resource 5 – CJG reporting and saving of file folders

IJOs deliver this practical training to CJG coordinators, additional staff, members and Elders in relation to the requirements of the Service Agreements, around topics such as budgeting, use of funds and the reporting and data collection systems.

The CJGDFV Enhancement Program provides the discrete communities an opportunity to codesign their own community based DFV support model. Training and capacity development is delivered by two Principal Training Officers in the IJP Projects section to support the co-design and delivery of these DFV support models. The implementation of this element of the CJG Program will be examined in depth in a separate evaluation report in mid-2022.

The CJG training needs survey identified governance and organisational capacity as a training need for CJGs. Through the enhancement funding from the *Not Now, Not Ever* report, the 18 discrete communities who were identified to receive the additional enhancement grant funding for localised DFV program development were also identified as needing to undertake targeted governance and organisational enhancement work in order to manage increased funds.

With assistance from KPMG, a governance resource and an awareness package were developed, which consisted of individual module workbooks and a PowerPoint presentation. These resources were presented at targeted workshops that were facilitated to commence the capacity development of the CJGs and to establish awareness, understanding and development of strategic operational plans for each of the discrete CJGs.

The generic governance resource modules that were developed by KPMG provided each CJG with an opportunity to undertake greater awareness and skill-based sessions to build and enhance their individual and organisational capacity.

Modules developed concentrated on key components:

- Governance – protocols, membership, performance and operation
- Strategy – history, values, purpose and vision of the organisation
- Risk – planning, check and change
- Finance – budget, income, expense and control

The intent of delivering these modules to the CJGs was to enable organisational ownership of each location and identification of what they and their community reflect and need. The end goal is a vision for the CJG and identified milestones and targets which as a group they look to address and achieve as they move the organisation forward.

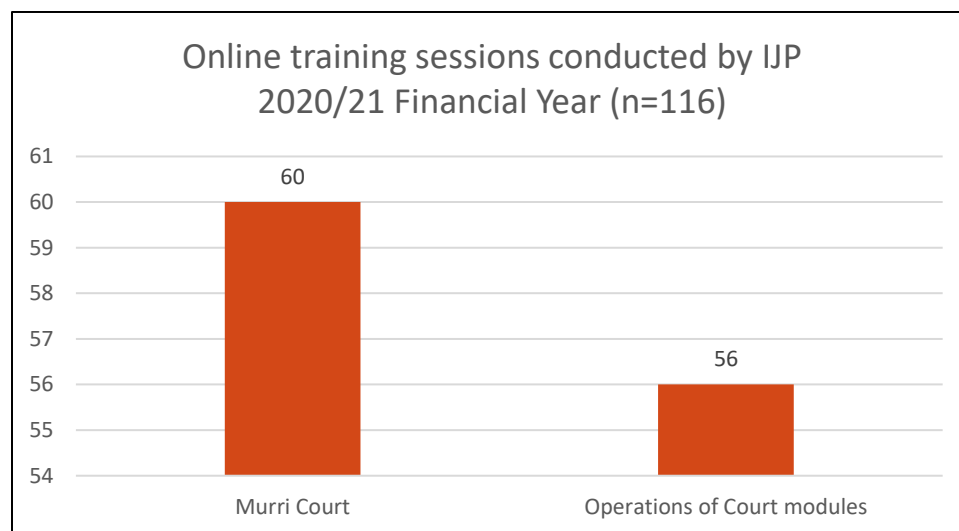
The developed strategic and operational plan can be used in partnership between the CJG organisation and their IJO to track, monitor, support and assist in achieving the identified milestones. It is expected that on an annual basis, for example at the AGM, the CJG can report back to the wider membership the key milestones that were achieved during the year and also look to plan, discuss and identify as a group, new milestones to guide future development.

DJAG advised the evaluation that there have been some constraints in the delivery of this governance and capacity-building package, including:

- the expansion and enhancement of the CJG program did not increase the departmental support staff and DJAG advises that additional and competing programs that were identified as priority impacted and reduced the time required to embed the governance awareness within the CJG program
- delivery timeframes and the nature of the subject matter can affect attendance as the time required is substantial (given most members are volunteers, being away from employment or family does pose ongoing attendance challenges)
- awareness and understanding of the body of work, attendance by wider CJG members when sessions were to be undertaken, internal budgets and reduced community contact (caused by Sorry Business, COVID-19, seasonal weather etc.) all play a part in embedding this awareness.

The department has identified governance as a priority for 2021/22 and has listed targeted locations in their 12-month development plan.

In 2020/2021, 235 training sessions were conducted, which included 678 attendees overall. These training sessions were a combination of operations of court, Murri Court and DFV training. Given the 2020/21 climate with restricted travel due to COVID-19, 116 online Microsoft Team training sessions were conducted with CJGs consisting of 60 Murri Court and 56 Operations of Court modules (see Figure 13).

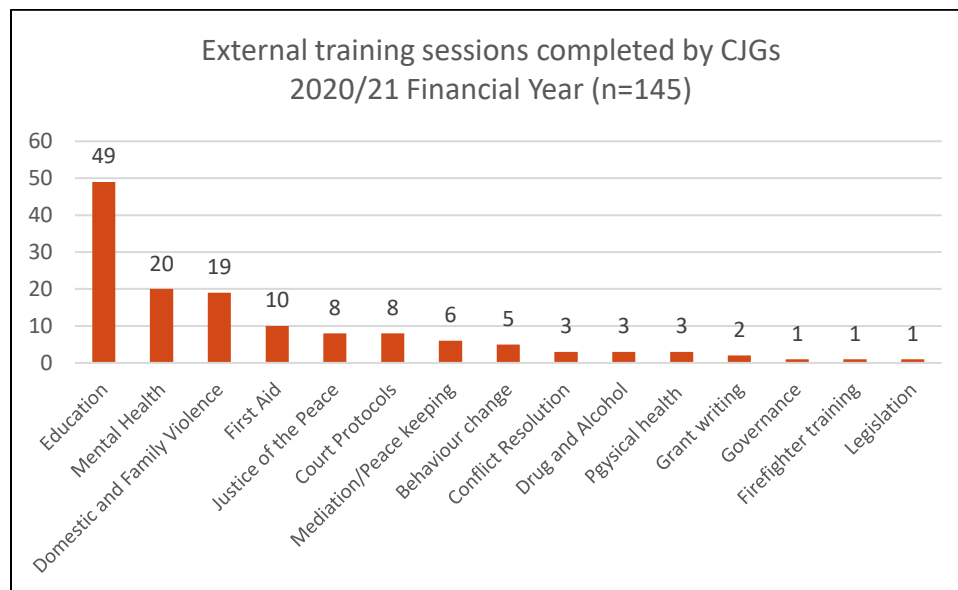


**Figure 13. Online training for CJGs, DJAG records**

Some CJGs also access training from sources other than the Department. For example, training may be delivered by auspicing organisations or accessed from online sources. In some cases, CJGs receive training from other Government agencies whose service delivery they are involved in. For example, Elders from CJGs who visit prisons are given custodial awareness training. On an ad hoc basis by local arrangement,

CJGs may be trained by Community Corrections in relation to supervising community service or understanding correctional orders. CJGs incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* may be able to access training from the Office of the Registrar of Aboriginal Corporations (ORIC).

CJGs may budget to use their grant funds for training of staff and members. The increase of base funding from \$100,000 to \$200,000 should provide more scope for training in annual budgets, although data are not currently available about the level of CJGs expenditure on training. This will be explored in the Local Evaluations in 2022 and 2023. In 2020/21, the CJGs participated in 145 external training sessions. These training sessions varied from mental health, first aid, conflict resolution to grant writing, governance and justice of the peace training (see Figure 14).



**Figure 14. DJAG record of external training completed by CJGs**

### 3.8 INPUT – Other Government agencies’ support and partnerships

Another input that contributes to CJG operations is the support received from Government agencies other than DJAG. In the CJG Stakeholder Survey, State Government representatives reported many ways in which they work with CJGs. Almost a third (31%) said they ‘help CJGs with skills and resources.’ Other ways they believe they work to support CJGs included:

- Engage with CJGs to solve issues in the community (53%)
- Advocate for CJGs in the community (34%)
- Work alongside CJGs as colleagues (40%)
- Include CJGs in interagency forums (34%)

In the specific examples given by stakeholders, the main forms of support provided are:

- Assisting CJGs with co-design of programs, especially the new DFV services
- Providing training or resources to CJGs
- In-kind assistance such as help with funding applications or obtaining Blue Cards
- Providing advice to CJGs
- Linking CJGs into agencies’ networks



The agency that appears to provide the most in-kind assistance to CJGs at the community level is Aboriginal and Torres Strait Islander Partnerships (ATSIP)<sup>24</sup>. In an online focus group interview, 9 regional staff of ATSIP from 6 locations across the State<sup>25</sup> reported having regular, often weekly contact, with CJGs. Because these ATSIP staff play a whole of government coordination role, they reported that they often assist CJGs to develop new initiatives and to link their activities into the wider service delivery system, while at the same time encouraging other agencies to work with CJGs. Some ATSIP staff also gave examples of assisting CJGs with funding applications and delivery of activities on the ground. In one of the Local Evaluations, the CJG reported that the ATSIP regional office had been instrumental in linking the Indigenous community organisations together, which had enabled the CJG to provide a much more integrated level of ‘wraparound’ support to its clients.

The evaluation has come across no examples to date of agencies providing financial support to CJGs in return for the assistance that they seek from CJGs in delivering their services and programs. At this point in time, the main input to the CJG program from other agencies is in-kind forms of support and partnership.

At the Program governance level, a range of agencies are participating in the recent reforms to the Program. A part of the governance structure for the CJG Program is an Interagency Working Group (IWG) that initially formed in 2019 to develop the enhanced model. The IWG was formalised in 2020 to support the implementation of the Stronger CJGs Framework and to operate as a conduit between the CJGs and government agencies. The IWG includes members from the 12 government departments identified in the Framework and is chaired by DJAG. Terms of Reference (ToR) (Appendix 2) set out the IWG roles including identifying ways to partner with and recognise CJGs and embedding cultural change to facilitate strong local-level partnership between CJGs and enabling agencies. The IWG meets bi-monthly.

### 3.9 INPUT – NGOs’ support and partnerships

Like Government agencies, NGOs who responded to the Stakeholder Survey also reported providing support to CJGs. Of the 18 NGO respondents, 44% said they work alongside CJGs as colleagues and engage with CJGs to solve issues in the community, 39% said they help CJGs with skills and resources, and 33% said they advocate for CJGs or include them in interagency forums. In the examples cited by NGOs, most related to providing services to CJG clients, rather than direct support to CJGs themselves. One NGO reported providing training to a CJG. An important program input for some CJGs is the support they receive from NGOs who auspice their funding agreements.

In the Local Evaluations in 2022 and 2023, successful partnerships between other NGOs and CJGs will also be documented with a view to identifying good practice models and principles for these partnerships.

### 3.10 INPUT – Volunteering by community members

Since the establishment of the first CJGs in the 1990s, a widely recognised component of their success has been the time and expertise contributed by Elders and respected persons of Aboriginal and Torres Strait Islander communities, who make up the membership of CJGs. The Program began essentially as a vehicle to mobilise these community-minded individuals to drive grassroots action to tackle the justice challenges in Indigenous communities. Many early CJGs received funding of only \$20,000 to \$30,000 to engage a

<sup>24</sup> Formerly the Department of Aboriginal and Torres Strait Islander Partnerships, now within the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships.

<sup>25</sup> Thursday Island, Weipa, Cooktown, Cairns, Mackay, Brisbane.

part-time coordinator to assist these groups of Elders to meet regularly and undertake activities such as night patrols, mediating community conflict and providing counsel to young people who transgressed community expectations.

The program has evolved greatly over 20 years, as the role of CJGs has been formalised in the court process (especially through creation of Murri Courts), and routine collaboration with the groups has become embedded into the practice of agencies such as police and corrections. Over time, the old model of heavy reliance on volunteer community members has been recognised as unsustainable, as demands and expectations on CJGs have expanded rapidly.<sup>26</sup>

In recent years, with the enhanced core funding for CJGs, the Program Guidelines were amended to enable CJGs to develop local remuneration structures for their members. CJGs can now provide for remuneration in their budgets. Local arrangements vary widely across CJGs and some groups continue to prefer that members act largely in a voluntary capacity or have struggled with the logistics of remuneration arrangements and the problems of payments affecting Centrelink payments for people on pensions.

With the diversity of current arrangements, it is difficult to estimate the quantum of input of volunteering by community members in CJG activities. This differs from location to location, but it is clear from the stakeholder feedback that in every location, volunteering remains a key input. Even where remuneration arrangements are in place, community members continue to put in significant unpaid time for activities not eligible for remuneration. Further, the amount of remuneration usually is not comparable with normal wages for the type of work undertaken.

The question of whether to remunerate CJG members has always been a controversial matter. Many CJGs have taken the view that the strength of the concept is that people participate ‘for the right reasons’, because of a commitment to the community, not because they want to be paid. Others believe that community members, especially Elders, deserve to be paid for their wisdom and their community skills. There is widespread consensus that community members should not be left ‘out of pocket’ due to participating in CJGs, and even those CJGs that do not pay wages for members, at least have schemes to meet members’ costs such as transport and meals.

The challenges for the Program model in the reliance on volunteer CJG members and the difficulties in adjusting to new payment schemes are discussed further in Part [5.7](#).

### 3.11 INPUT – Knowledge of what works

Knowledge of good practice is an important input for any program aimed at social change. There is no training course or handbook to guide the work of CJGs in tackling local justice issues, so sharing of real world knowledge is critical to their success. One of the most common comments that the evaluation has heard in all interviews to date is that there needs to be more opportunities for information-sharing between CJGs. The evaluation notes that this has also been raised regularly in previous evaluations and consultations with CJGs.<sup>27</sup>

---

<sup>26</sup> Cunneen, C. (2005) *Evaluation of the Queensland Aboriginal and Torres Strait Islander Justice Agreement: [Evaluation]*. Queensland Legislative Assembly. <https://www.indigenousjustice.gov.au/resources/evaluation-of-the-queensland-aboriginal-and-torres-strait-islander-justice-agreement/>

<sup>27</sup> For example: KPMG. (2020). *Community Justice Group Consultations: Community Justice Group Service Delivery Blueprint*, unpublished report.

In the past, DJAG has convened forums to bring CJG representatives together, but these were discontinued during 2020 due to COVID-19. The evaluation understands that DJAG is scheduling an event in 2022. This will be welcomed by CJGs.

Opportunities to enhance this input by providing more resources, information and opportunities for sharing amongst CJGs will be discussed further in Part [5.9](#).

### 3.12 INPUT – Legislative framework

A final input for the CJG Program is the various legislation that provides powers for CJGs, and in some cases, circumscribes their operations. When CJGs were first established in the 1990s, they had no legislative basis. In 2000, sentencing, bail and youth justice laws<sup>28</sup> were amended to require courts to have regard to any submissions made by a CJG in sentencing Aboriginal and Torres Strait Islander offenders and to enable courts to take CJG submissions into account in considering bail issues.

In 2002, legislation relating to discrete Indigenous communities (the *Aboriginal and Torres Strait Islander Justice, Land and Other Matters Act 1984*, or ‘ATSIJLOM Act’) was amended to create a statutory basis for CJGs in 19 of these communities. The legislation set out the name, structure, membership and basic operations of these CJGs. This was necessary in order to vest these CJGs with certain statutory powers to advise the government about liquor licensing matters and restrictions under Alcohol Management Plans in these discrete communities, and to make legally enforceable ‘dry place’ declarations for houses and places in these communities. As a result of the 2002 changes, a distinction needs to be made between the CJGs in the 19 discrete communities that have membership formally gazetted by the Government under the ATSIJLOM Act – often called ‘statutory CJGs’ – and those in other urban and regional centres that are not within that legislation, often referred to as ‘non-statutory CJGs’.

The funded role of all CJGs in providing advice to courts, including the formal processes under Murri Court, rely on the 2000 amendments to sentencing, bail and youth justice laws. There is no formal legislation for Murri Courts. Under the *Criminal Code Act 1899*, members of CJGs, like judges, jurors and witnesses, are also protected from retaliation or intimidation as a result of their work in courts. In some locations, Aboriginal Shire Council local laws also provide legislative powers for CJGs.<sup>29</sup>

There is no formal legislation for Murri Courts, which is a sentencing court where Aboriginal and Torres Strait Islander Elders provide information to Magistrates and make recommendations for support while on bail, to attend to underlying factors that contribute to offending. The Court operates under the *Bail Act 1980* and is guided by a Practice Direction. Under the *Criminal Code Act 1899*, members of CJGs, like judges, jurors and witnesses, are protected from retaliation or intimidation as a result of their work.

---

<sup>28</sup> *Penalties and Sentences Act 1992*, *Youth Justice Act 1992* and *Bail Act 1980*. Also, the CJG’s right to be present in Childrens Court proceedings is recognised in the *Childrens Court Act 1992*.

## 4 Outputs: What is being delivered by CJGs?

### 4.1 Introduction

This Part provides a detailed description of what is currently being delivered by the CJG Program – in other words, the outputs that the Program inputs described above are producing in practice. The purpose of this Part is to understand the scope, the quantum and the quality of CJGs' delivery of outputs – that is, how much has been delivered and how well has it been delivered?

A detailed analysis of the outputs is provided for this evaluation for three reasons:

- There is a common perception that CJGs deliver a range of activities that is far broader than the outputs defined in their Service Agreements with DJAG, which are focused on court-related support. Hence, it is important for the evaluation to understand the actual scope of CJGs' delivery, rather than just focusing on what is in the Service Agreements and Program Guidelines.
- Many stakeholders have commented that there is a lack of understanding in the community and amongst stakeholders about what CJGs actually do, so it is hoped that the description here will assist in broadening this understanding.
- Analysis of the outputs enables the evaluation to identify weaknesses in current delivery as well as areas of unrealised aspirations for delivering important outputs that could make a difference. This will lead into the discussion in Part 5 about whether the Program's inputs are currently adequate and appropriate to deliver the desired outputs – in other words, to deliver the activities that CJGs believe to be important to reduce Indigenous people's contact with the justice system.

In the past, data collection about activities that CJGs are involved in outside of the court system has not been strong, so much of the work of CJGs is undocumented. The evaluation has relied on a range of different sources of data to describe CJGs' current outputs, including:

- CJGs' quarterly performance reports, which provide data against Service Agreement targets, plus some qualitative information about CJG activities (such as good news stories)
- DJAG spreadsheets capturing information about CJGs entered by IJOs in relation to issues and successes arising and outcomes of quarterly performance conversations
- The evaluation's qualitative interviews with DJAG staff and program stakeholders at the Statewide level
- Various DJAG data collections such as Service Mapping and Training Needs Surveys with CJGs
- CJG Stakeholder Survey, conducted by DJAG in September 2021
- The data collected in the five Local Evaluations with CJGs to date, including activity mapping, community surveys, and qualitative interviews with CJGs and local stakeholders

### 4.2 Summary of Program outputs – the activities CJGs deliver

The outputs of a Program are the activities that are delivered using the funding, resources, support and other inputs. The best way to identify a program's outputs is to simply consider what the people delivering the Program spend their time on every day. Some of these activities are internal-facing, such as the governance and administrative work required to create the organisational platform to deliver activities to clients. Most of these activities are external-facing and comprise the actions that people delivering the program take with clients and stakeholder to try to create positive change. The range of outputs that the evaluation has identified for the CJG Program are outlined in Table 3.

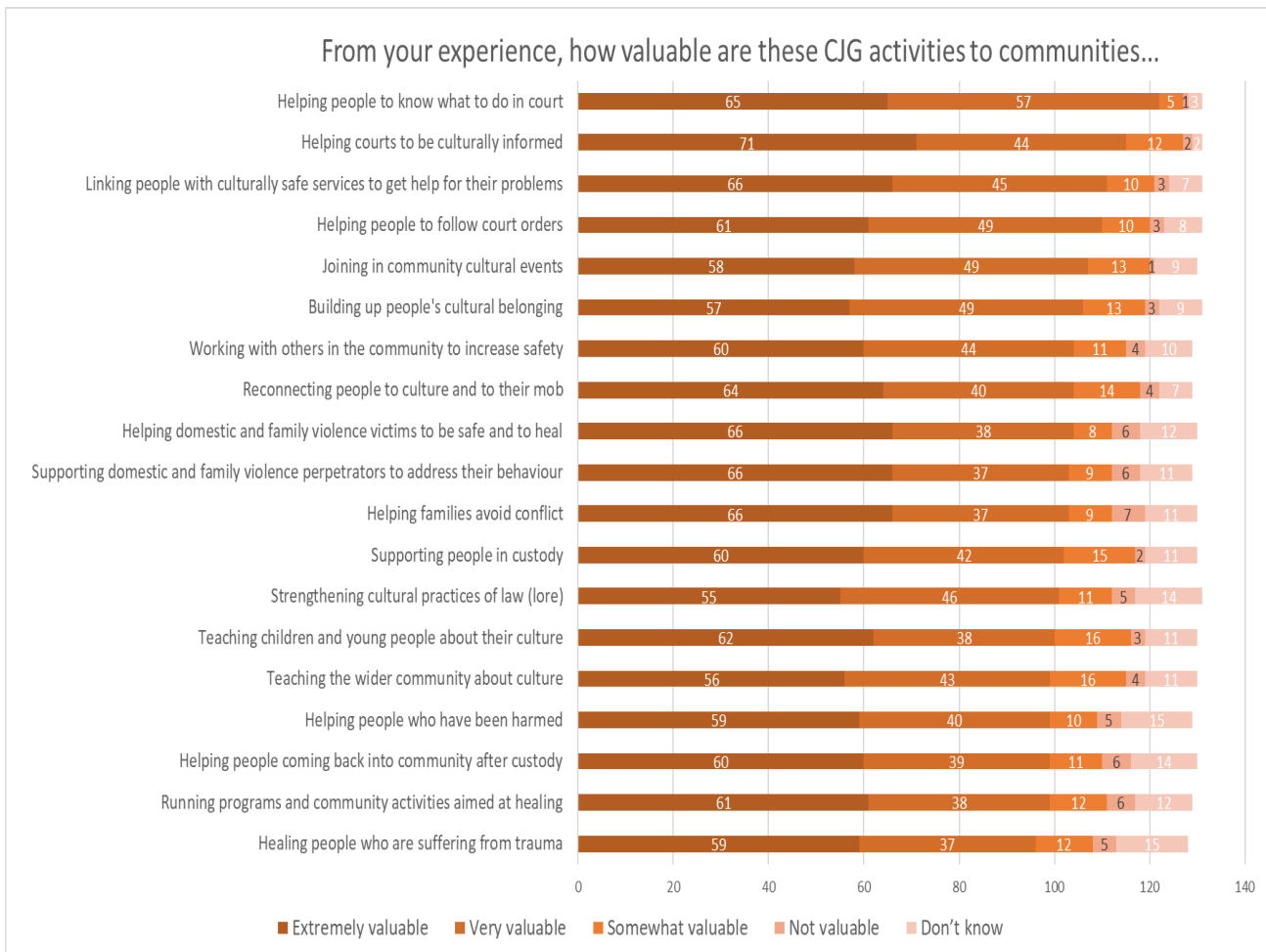
**Table 3. Summary of CJG Program outputs**

<b>Program output</b>	<b>Summary description</b>
<b>Governance, administration and organisational development</b>	<ul style="list-style-type: none"> <li>• CJG’s internal work in developing and maintaining the organisational platform to delivering the program activities</li> <li>• Includes governance (meetings and decision-making), financial administration, staffing, training and development, data collection, financial reporting, performance reporting and promotion</li> </ul>
<b>Prevention, education and awareness</b>	<ul style="list-style-type: none"> <li>• Activities targeted at community members who are not currently in the criminal justice system, with the intention of providing alternative pathways and educating and raising awareness about issues in order to prevent them coming into contact with the justice system</li> </ul>
<b>Early intervention</b>	<ul style="list-style-type: none"> <li>• Early intervention and pre-court diversionary activities to support community members when they have had their first minor contact or at risk of deeper contact with the formal justice system, to prevent such escalation</li> </ul>
<b>Court support</b>	<ul style="list-style-type: none"> <li>• Activities to provide support to community members involved in the court process (either as victims or defendants) including Murri Courts, Remote JP Courts, mainstream Magistrates Courts, specialist courts (DFV Courts, High Risk Youth Court), or higher courts</li> <li>• Support to court stakeholders to appropriately deal with Aboriginal and Torres Strait Islander people</li> </ul>
<b>In custody and under supervision</b>	<ul style="list-style-type: none"> <li>• Activities to provide support to community members in custody or under supervision by either youth justice authorities or adult corrective services</li> </ul>
<b>Transition to community and reintegration</b>	<ul style="list-style-type: none"> <li>• Activities to provide support to community members returning from custody to reintegrate into the community and avoid re-offending</li> </ul>
<b>Community support, advocacy and access to social justice</b>	<ul style="list-style-type: none"> <li>• Activities to provide miscellaneous support to community members unrelated to the criminal justice system - to support community members in crisis, fill gaps in the social service system and facilitate access to services and social justice</li> </ul>
<b>Assistance to government agencies and service providers</b>	<ul style="list-style-type: none"> <li>• Activities to provide support to government agencies and service providers unrelated to the functioning of the criminal justice system, such as building cultural awareness, representing the community in consultations or co-design, and practical assistance with service delivery.</li> </ul>

### **4.3 Stakeholder perceptions of value of outputs**

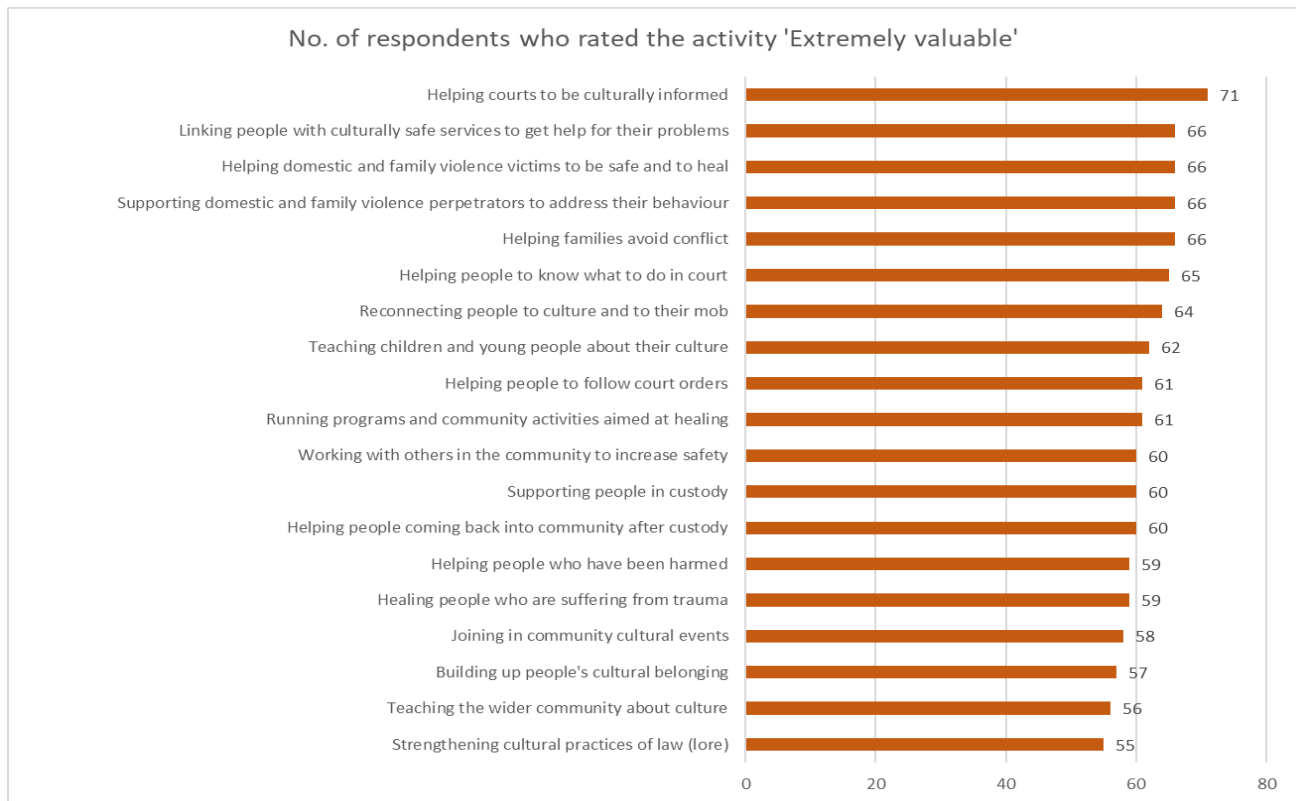
Before considering each output in detail, it is useful to understand the perceived value that stakeholders place on the range of activities that CJGs are involved in. The CJG Stakeholder Survey asked stakeholders to consider a long list of CJG activities and rate how valuable these are to the community. The results of their responses are in Figures 15 and 16. A total of 132 people responded, with 66% (87) from State government agencies, 11% (14) from CJGs, and the other 23% (31) from NGOs and other stakeholders. Figure 15 lists the activities in terms of the number of people who rated the activity as ‘extremely or very

valuable’, whereas Figure 16 lists them in order of the number of people who felt they were ‘extremely valuable’.



**Figure 15. CJG Stakeholder Survey - Perceptions of value of outputs**

The results reflect that stakeholders generally place the highest perceived value on the activities of CJGs in the court system, which is not surprising given this has traditionally been the Program’s core funded output. However, also rated very highly in terms of importance was ‘linking people with culturally safe services to get help for their problems.’ The results also indicate the perceived value of CJGs getting involved in supporting both victims and perpetrators with DFV issues. The responses reveal a strong recognition of the cultural value that CJGs bring, with relatively high value placed on ‘reconnecting people to their culture and to their mob’ and ‘teaching children and young people about their culture’. Finally, the responses reveal that stakeholders recognise the potential value of CJGs in other preventative and early intervention activities, such as ‘helping families avoid conflict’ and ‘working with others in the community to increase safety’.



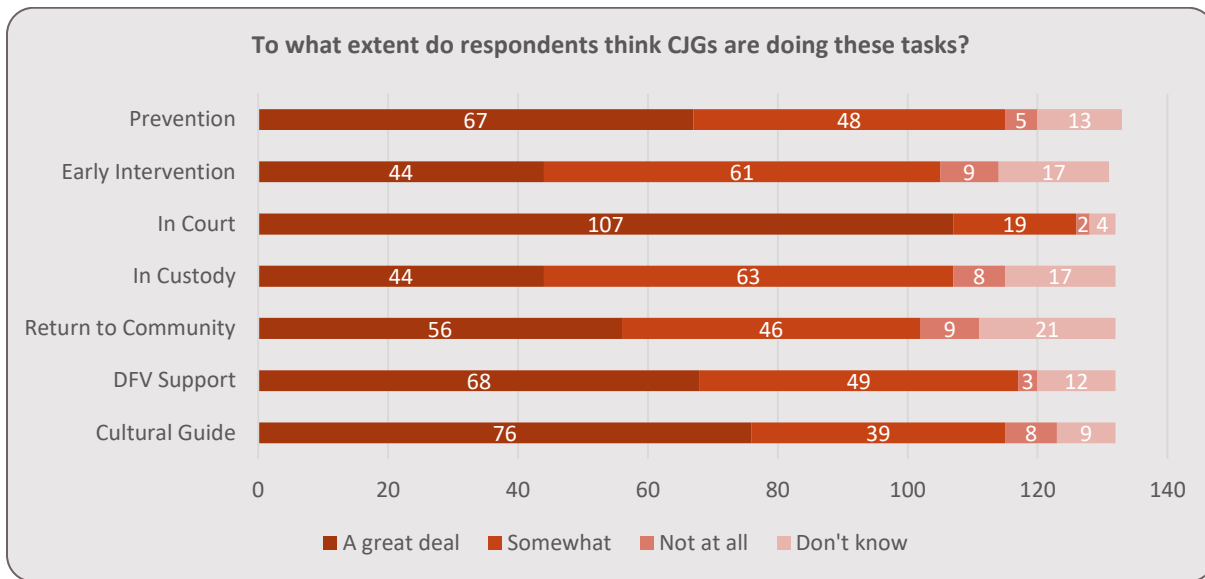
**Figure 16. CJG Stakeholder Survey - Ranking of extremely valuable rating of outputs**

The other notable aspect of these responses is that very few of the respondents (between 1-5%) rated any of these activities as ‘not valuable’ to the community, and only a small proportion (5-12%) said they were only ‘somewhat valuable’. This highlights that people see potential value for CJGs across a very wide range of outputs, which is of course a significant challenge for CJGs (and funding bodies) in determining where to target their efforts.

#### **4.4 Stakeholder perceptions of the extent of delivery of outputs**

The CJG Stakeholder Survey also asked respondents to rate the extent to which they thought CJGs are actually doing certain tasks, which map to some of the key output areas. The combined responses to this question are set out in Figure 17, which indicates actual numbers of responses and not percentages.

This feedback shows that stakeholders view CJGs as having a great deal of output in the courts, which is again, not surprising given this has been a core funded output for CJGs. It is interesting to note, however, that half (50%) of stakeholders (67 of 134) also perceive CJGs to do a great deal of work in the Prevention space, and more than half (58%) think they do a great deal as a ‘Cultural Guide’. These results will be discussed further in relation to the specific outputs below.



**Figure 17. CJG Stakeholder Survey - Perceptions of CJG output**

#### 4.5 Local Evaluation data about level and quality of CJG outputs

With a view to understanding where CJGs are actually spending their time, the evaluation team has undertaken ‘activity mapping’ with the CJGs at the five locations for Local Evaluations in 2021. Coordinators were asked to estimate the proportion of time they spent over the past 4 weeks on activities across 10 activity domains. Some coordinators kept a spreadsheet for up to two weeks and recorded their actual hours, while others estimated based on their recollection. The results are set out in Figure 18 for CJG staff.

The 10 activity domains encompass all the types of activities that CJG staff and members invest their time in, and fall into three broader categories:

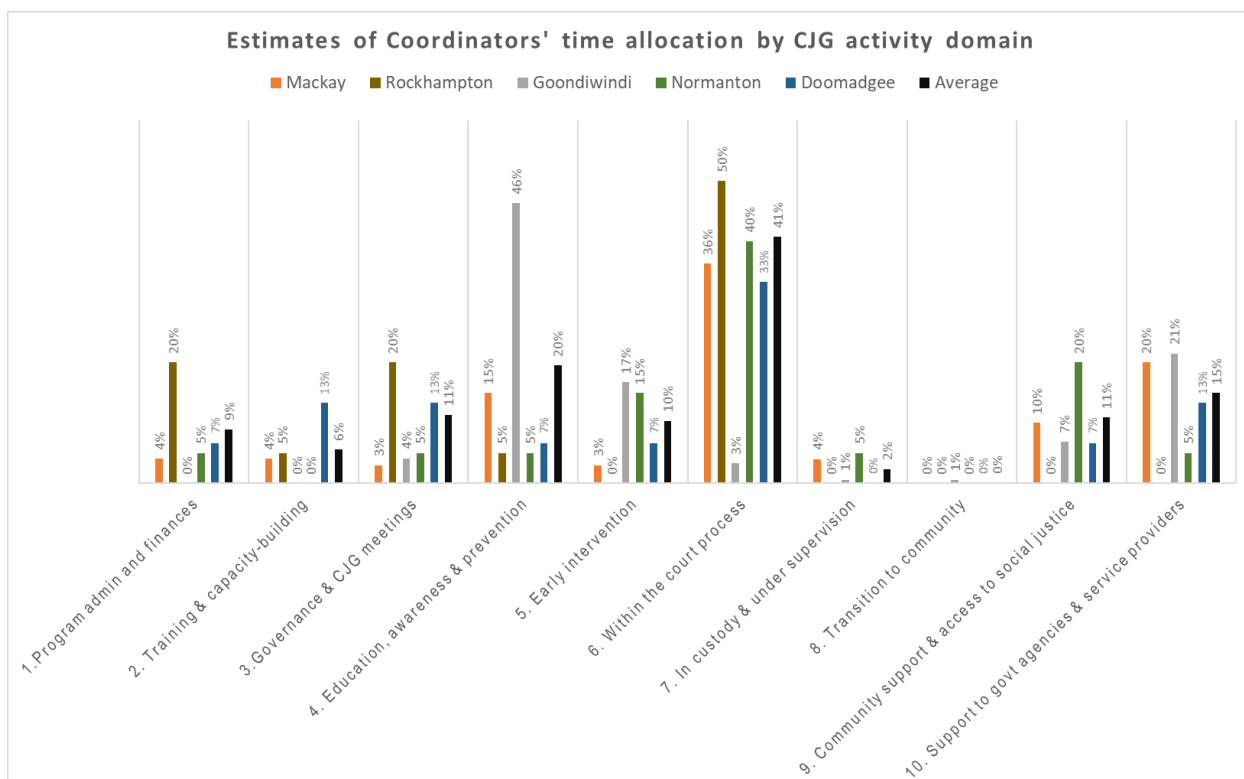
- A. Internal, organisational activities:
  1. Administration and financial management
  2. Training and capacity-building (for CJG staff and members)
  3. Governance and CJG meetings
- B. Justice system related activities:
  4. Education, awareness and prevention
  5. Early intervention
  6. Within the court process
  7. In custody and under supervision
  8. Transition to community (from custody)
- C. Activities unrelated to the justice system:
  9. Community support and access to social justice (miscellaneous support to community members not directly related to the justice system)
  10. Support to government agencies and service providers (in areas unrelated to the functioning of the criminal justice system)

The activity domains in Category B reflect the justice system domains recognised as core to the CJG program in the Framework for Stronger CJGs. They indicate a justice system spectrum from prevention to early intervention to participation in court, corrections and then post-release reintegration. The



activity domains in Category C reflect a range of activities that CJGs are involved in to varying degrees due to demands from community members in need and agencies and service providers who have found their assistance valuable to their work in Indigenous communities. It should be noted that it can be difficult in practice to classify an activity into a category because there is some overlap - for example, the work a CJG does to help someone attending court to obtain housing would be in domain 6 whereas support with housing for someone who is not in court or under an order would fall in domain 9. The estimates are self-reported by CJGs and will be affected by differences in interpretation.

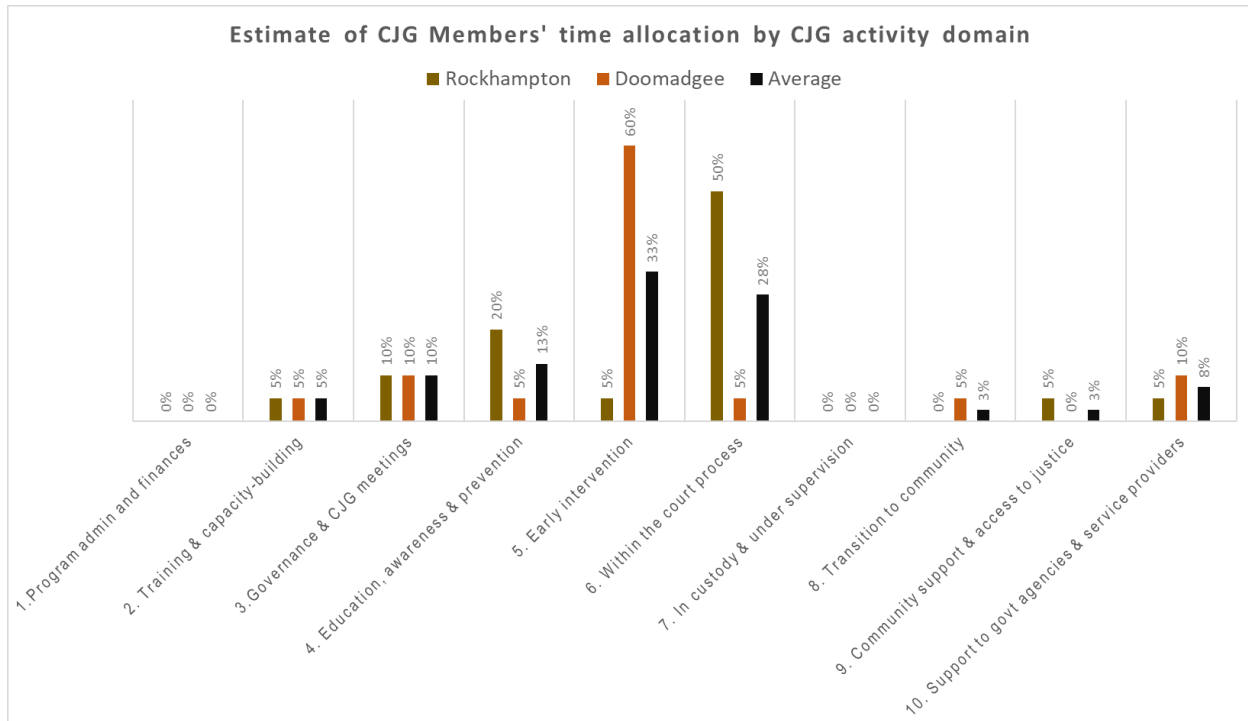
The results in Figure 14 for CJG staff show that they generally spend the most time on activities ‘within the court process’ (41%), although there was some variation, which reflects that the frequency of court sittings differs across locations (for example, weekly in Mackay and Rockhampton and monthly in the other locations), and that groups funded to support Murri Courts provide a more structured and intensive level of support through the court process than those that work in mainstream Magistrates Courts. The other notable aspect of the activity mapping is the high proportion of time that CJG staff spend on supporting community members in non-justice related matters (average of 11% and up to 20% in some places) and the amount of time they spend supporting other non-justice related government agencies and service providers (average of 15% and up to 21% in some places). These significant, but perhaps under-recognised areas of CJG output are discussed in detail in Part 4.12.



**Figure 18. Activity Mapping - CJG staff estimated time allocation across outputs**

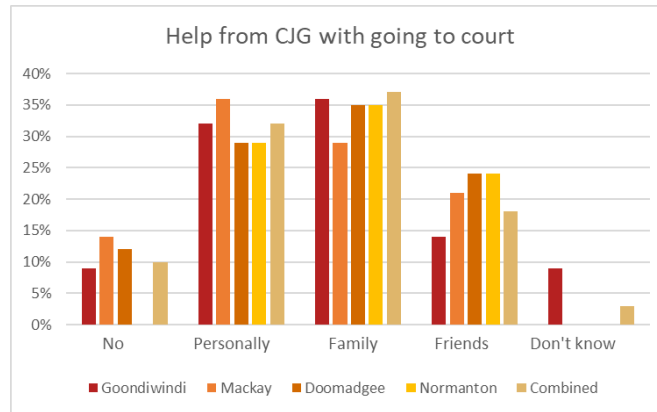
In two locations, CJG members were also asked to estimate their time across these output areas. Again, the frequency of court sittings impacts on their time, with Murri Court Elders in Rockhampton spending more time in court than the Elders of the Doomadgee CJG, where court is only one day per month (Figure 19). In Doomadgee, it was notable how much time the CJG members spend on early intervention, such

as working with police and families to resolve disputes before they escalate, and assisting agencies such as child safety with their work.

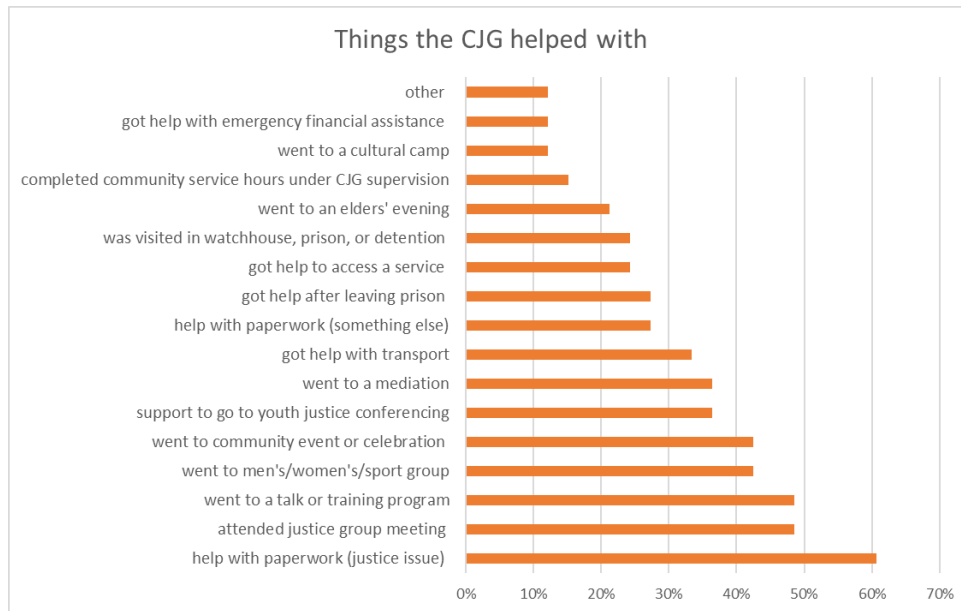


**Figure 19. Activity Mapping - CJG members' estimated time allocation across CJG outputs**

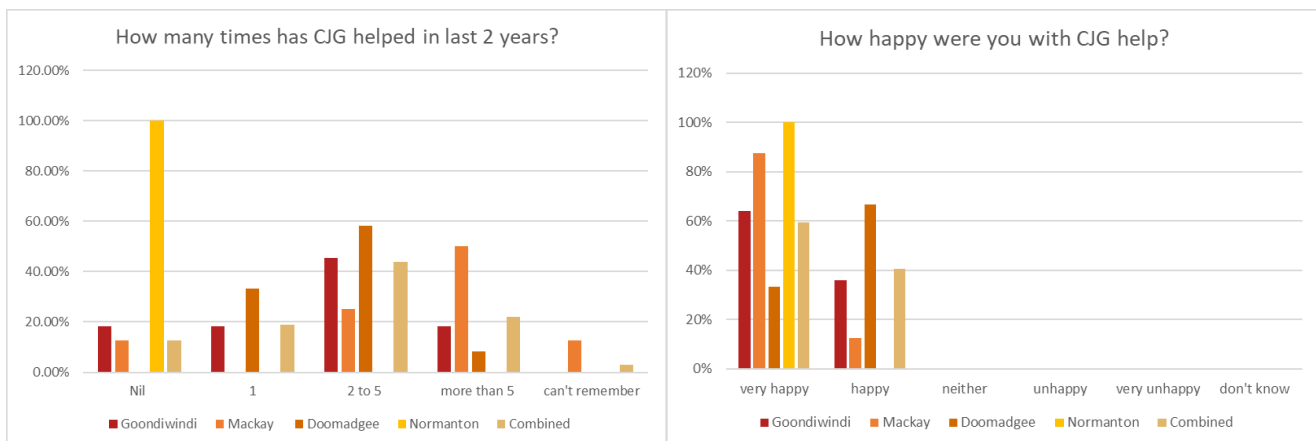
A further source of data about CJG outputs from the Local Evaluation was questions in the community survey (conducted at four locations) about whether people had received various forms of help from the CJG. A total of 53 responses were collected across four locations. Respondents were asked about assistance that they or a family member or friend had received from the CJG in relation to going to court or a non-justice related service. The results show that across all the sites, 90% had either personally been assisted to go to court or had family or friends who had been (Figure 20). Respondents were also asked about non-court related matters the CJG had helped them with. Figure 21 shows a wide range of responses to this. Figure 22 shows that most people had been assisted on multiple locations and there was a high level of satisfaction (60% 'very happy' and 40% 'happy').



**Figure 20. Community Survey - Help with going to court**



**Figure 21. Community Survey – Non-court-related things the CJG helped with**



**Figure 22. Community Survey - Frequency and satisfaction with CJG help with non-court related matters**

The remainder of this Part examines the extent and quality of CJGs' output in each of the main output areas.

## 4.6 OUTPUT – Governance, administration and organisational development

### 4.6.1 Overview

A foundational output for any program delivered by a community organisation is the work in developing and maintaining the organisational platform for delivering the program activities. This is the internal-facing work of a CJG and encompasses a wide range of activities including:

- ensuring proper governance of the organisation, where the CJG is a standalone incorporated body (for auspiced bodies, governance is taken care of by the auspicating organisation);
- ensuring proper governance of the CJG itself (e.g. strategic planning for what the CJG will deliver, developing policies and procedures, making decisions about the CJG's operation)
- financial administration of the program funding (budgeting, reporting, banking, invoices, payments);
- human resources for the CJG (recruitment and retention of staff, managing staff performance)
- data collection and performance measurement for the CJGs' activities;
- maintaining the office and equipment (e.g. vehicles);
- performance reporting to DJAG and liaising with DJAG staff;
- staff and member training and development.

At the sites for the five Local Evaluations, CJG staff reported that in the previous month they spent an average of:

- 9% of their time on program administration and financial management activities (although this ranged from 0-20%)
- 11% of their time on Governance and CJG meetings (ranging from 3-20%)
- 6% of their time on training and capacity-building

In other words, on average CJG staff report spending about a quarter (26%) of their time (1.25 days per week) on these sort of organisational activities. However, for some CJGs this is as little as 4% (Goondiwindi), 10% (Normanton) or 11% (Mackay), equating to about ½ - 1 day per fortnight.<sup>30</sup>

### 4.6.2 Joint reflections of CJG readiness and capability

The evaluation has accessed several data sources to form a picture of CJG's current status in terms of governance, administration and organisational maturity. A useful source of information is the collaborative conversations that IJOs have with CJGs about their quarterly performance reports. In 2021 a proforma was introduced to guide IJOs in these conversation with CJGs to help them reflect on aspects of organisational governance and identify where CJGs are confident and where they need more assistance. Between February and July 2021, 22 of the 40 CJGs undertook 28 performance conversations with responses showing the variations across the organisations reflecting their current circumstances. In small community-based organisations which are dependent on community volunteers, the loss of one

---

<sup>30</sup> It is possible that the estimate of 20% of time spent on 'Program administration and finances' for Rockhampton CJG includes time spent on administration around the Murri Court, which would be more properly classified within the 'Court' output.

person can make a considerable difference in their confidence and capability with governance and management tasks, so the CJG’s self-assessed ratings are current at the point in time they are undertaken.

CJGs were asked to rate how they are going on a number of their activities on a three-point scale of ‘beginning, a way to go’; ‘manage with support’ and ‘confident and very capable’:

- The strongest activity was Community Engagement, where 14 CJGs reported they are ‘confident and capable.’ Eleven groups felt ‘confident and capable’ with financial reporting, eight with performance reporting, and six with business systems and management.
- Twelve groups considered they could ‘manage with support’ for the aspects of Performance Reporting and Business Systems & Management, 10 groups for Financial Reporting and 7 groups for Community Engagement
- Two groups rated themselves as ‘beginning’ for Business Systems and Management, and one group considered themselves as ‘beginning’ for each of the other aspects.

The performance conversations asked CJGs to rate their current stage of development in aspects of governance ranging from ‘stuck-delays or barriers’, ‘early stages – making progress’, ‘OK with support’, ‘established-doing very well’:

- For holding regular meetings with clear, shared decision making: 9 CJGs reported that they are ‘established’, 9 rated as ‘OK with support’, 5 rated as ‘early stages’ and 4 rated as ‘Stuck’.
- For meeting governance requirements: 14 considered they are ‘established’, 10 rated as ‘OK with support’, 2 rated as ‘early stages’ and one rated as ‘stuck’.

The conversations between the IJOs and the CJGs facilitate further discussion of the areas where the CJGs want to improve their performance. This provides a good indication of the organisational issues that are most pressing for CJGs (Figures 23 and 24). It is notable that the most common issue affecting performance is recruiting staff, followed by their CJG venue, Elder availability and skills. Internal organisational issues also feature as regularly as service delivery issues in the list of aspects of performance discussed. In fact, the second most discussed issue for CJGs is ‘Functional issues facing the CJG organisation’. Other topical organisational issues at these quarterly performance conversations are ‘Financial reporting’ and ‘Data recording and reporting.’

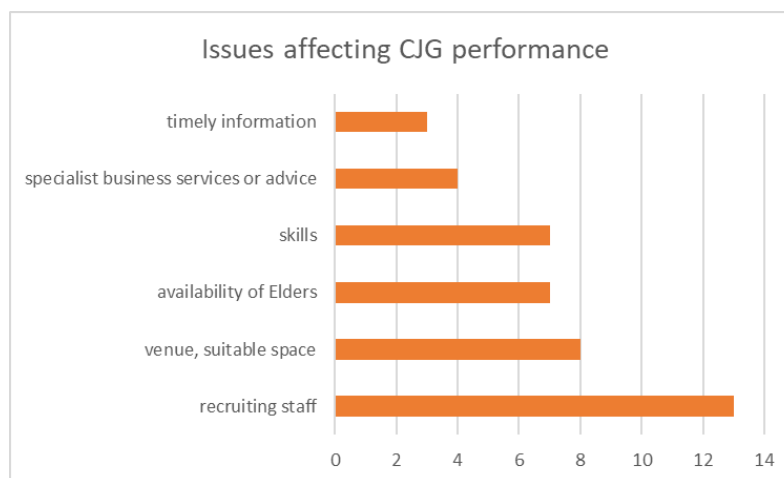
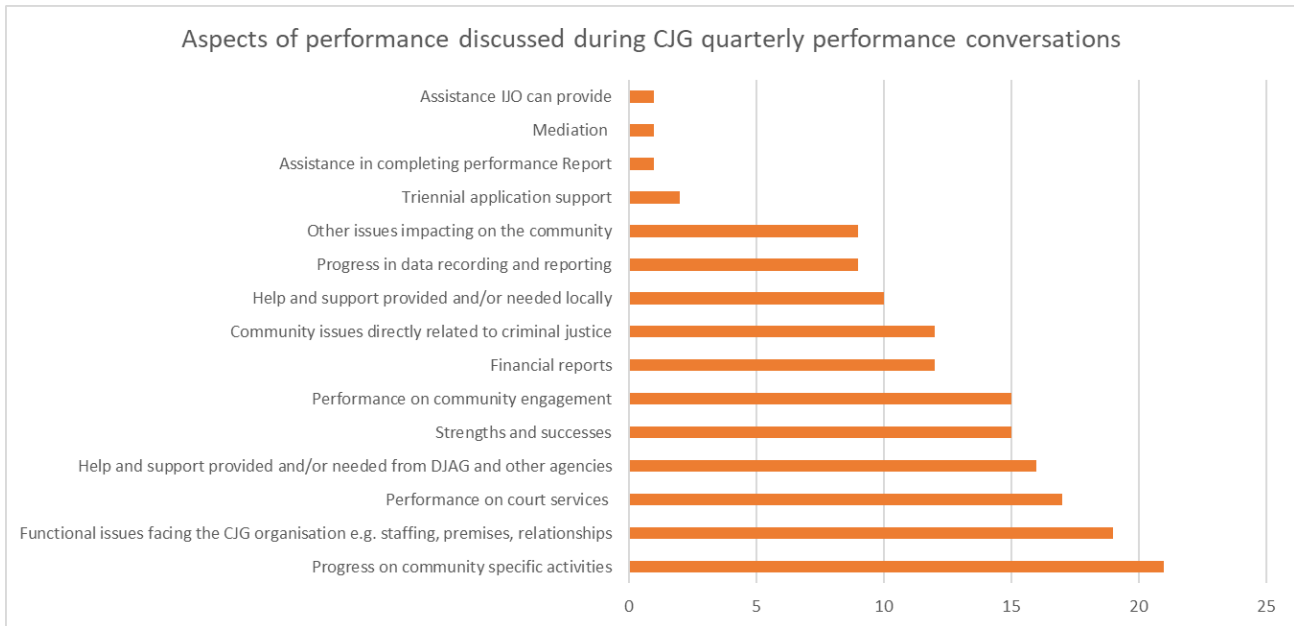


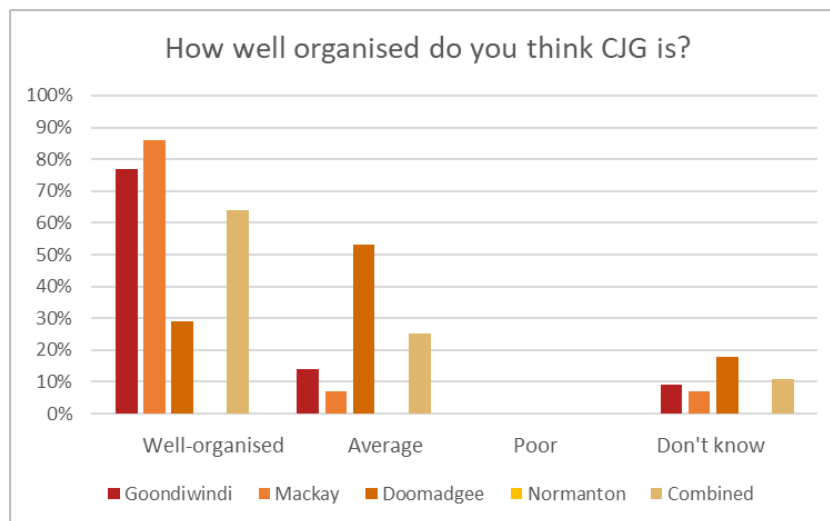
Figure 23. IJO and CJG quarterly performance conversations, 2021



**Figure 24. IJO reported issues discussed from CJG quarterly performance conversations, 2021**

At the Local Evaluation sites, the community surveys asked stakeholders ‘How well organised do you think the CJG is?’ (see Figure 25). Responses were available at three locations (although the sample sizes were small) and showed that the vast majority of community members at Goondiwindi and Mackay thought their CJGs were ‘Well-organised’, while more of the people surveyed at Doomadgee thought that their CJG was ‘average’ in this regard. No stakeholders responded with ‘Poor’.

By contrast, stakeholders responding to the State-wide survey (two-thirds of whom were government staff, with the remainder from CJGs, NGOs and other organisations) overwhelmingly felt that CJGs need a lot more support in the area of Governance and Training.



**Figure 25. Community Survey – Perceptions of CJG Efficacy**

### 4.6.3 Qualitative feedback on CJG organisational capability

Issues around CJG organisational foundations were discussed with stakeholders in many of the evaluation's interviews at the community level and the Statewide program level. This section summarises the themes in the stakeholder feedback.

#### *Auspice arrangements*

Currently, CJGs operate as a mix of independently incorporated organisations (solely for the purpose of the CJG program) and projects auspiced by another organisation (such as an Indigenous or non-Indigenous community organisation, a local government council or a private service provider). Incorporated CJGs are either Aboriginal and Torres Strait Islander corporations under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*<sup>31</sup> or the *Associations Incorporation Act 1981 (Qld)*.

Stakeholders perceive advantages and disadvantages with both the incorporated and the auspiced model. The evaluation has not visited sufficient CJG sites to be able to compare the efficacy of the two models. However, some observations can be made from the sites visited.

At the Local Evaluation sites for Phase 1, the following arrangements are in place:

- *Mackay* – CJG is auspiced by the Aboriginal and Torres Strait Islander Community Health Service Mackay Ltd (having been previously independently incorporated for many years);
- *Rockhampton* – CJG is auspiced by Juwarki Kapu-Lug Ltd (having previously been auspiced by an employment service provider);
- *Goondiwindi* – CJG is auspiced by Care Goondiwindi;
- *Doomadgee* – CJG is auspiced by a Mount Isa-based organisation, North West Queensland Indigenous Catholic Social Services Ltd (NWQICSS).

Some stakeholders argue that separate incorporation may provide greater self-determination and autonomy for the CJG than being part of an auspicing organisation. This was not raised as an issue at any of the four auspiced CJGs visited in Phase 1. At these CJG sites, stakeholders saw advantages in the auspicing arrangements:

- At Mackay and Rockhampton, the auspicing organisations are established Indigenous organisations that have well-developed policies, procedures and systems, including for recruitment and human resources;
- At the auspiced sites, the auspicing organisations appear to manage a good deal of the financial and administrative burdens of the program, leaving the CJG staff to focus on delivery;
- At one of the sites, the Indigenous managers of the auspicing organisation had provided mentoring and support for the CJG coordinator;
- The auspicing organisations have provided in-kind support for the program, such as use of vehicles before the CJG was able to purchase its own.

Auspiced CJGs did not raise any concerns that they felt a loss of self-determination or control by being auspiced. At Mackay and Rockhampton, stakeholders spoke about the very good relationship between the auspice board and management and the CJG staff and members. An auspice manager said that the CJG board makes the decisions about the CJG program and the auspice respects that:

---

<sup>31</sup> A special corporations regime for Indigenous organisations overseen by the Office of the Registrar of Indigenous Corporations (ORIC).

*They're the ones that have had those that relationship with those individuals. They're the ones that know the family. They're the ones that know the court. They're the ones that know what they're doing... So [we take the view] 'what can we do to help you'? That's how I see it. (Auspicing organisation manager)*

The empowering attitude towards the CJG staff by these auspicing organisations results in no loss of autonomy from the CJG being under an auspice arrangement. The evaluation understands that not all auspicing organisations operate in such an enabling way. Because of previous issues between auspicing bodies and CJGs, DJAG now requires an MoU between these parties as part of the contract. At sites like Mackay and Rockhampton, this may not be needed as a problem-solving tool but will present an opportunity to consolidate the existing good working relationship.

For the one independently incorporated CJG, at Normanton, the evaluation did not hear any particular concerns about governance or administration. The CJG's policy and procedures framework were not as sophisticated as those within the auspiced organisations, and the evaluation noted that some further work was needed in this area. The organisation appears to meet minimum requirements, however.

The next phases of the evaluation will explore the issue of optimal organisational models for CJG delivery.

### **Planning and decision-making**

The performance conversations between IJOs and CJGs highlighted that most CJGs identify a need for support in holding regular meetings and making good decisions. Difficulties in getting CJG members together for meetings to make decisions about program delivery is a recurring theme in reports from IJOs about issues arising at CJGs. This was also reflected in the stakeholder feedback to the evaluation. The elderly demographic of CJG members and the fact that they may be involved in many other committees and leadership roles in their communities hinders their level of engagement. In addition, their interest in the role is likely to be about justice and not governance, as the following anecdote illustrates:

*"I was at one of those workshops on how to do a strategic plan and the governance and all those sorts of things, sitting next to these two ladies. And the only reason that they are part of the CJG is because of their community and their people, and their heart and their passion. They don't want to, nor should they, give a rat's about a strategic plan." (Government stakeholder)*

A solution to this issue suggested by some stakeholders was that CJGs could look at a different structure whereby a small group of active individuals could be responsible for the day-to-day operations of a CJG while elderly people could form a cultural reference group. This might also be an effective strategy for succession and renewal within CJGs, which many stakeholders have emphasised as a high priority. It would provide an ongoing role for those Elders who deserve the respect for their contributions to date but may no longer have the drive or energy to be at the core of a CJG's governance and service delivery efforts. For example, a respondent to the Stakeholder Survey suggested:

*"Due to what may be seen as community politics, it would be interesting to see the development or restructuring of the CJGs to separate an elected Elder and Respected Person body to which the CJG answer to (the CJG in this scenario being those active in activities - Murri Court, Court Support, Watch House and Correctional Visits and in Community Support). [Thus] holding accountability to a separate body of community who are not partial to the on goings of the leg work." (stakeholder)*

As implied in the above comment, this approach could also assist to broaden the representation of CJGs to include more families, without making its operation unwieldy. A concern raised by some stakeholders is that some CJGs are currently comprised of membership of only one or two families. This is a common



dynamic in the Indigenous community organisation sector, and potentially problematic when a CJG exists to provide support to all members of an Indigenous community. Even in discrete communities, where a CJG structure based on representation by all clan or family groups is formally mandated within the ATSIJLOM Act, in practice the active members may only be from a small number of families. Some families may simply choose not to be involved. The CJG at Normanton prides itself on servicing all members of the community, including those whose families are not represented on the CJG.

DJAG reports indicate that good governance and decision-making has been affected at several CJG locations by conflict within the CJG membership. By contrast, the Local Evaluations for Phase 1 were all conducted at sites with strongly performing CJGs. These groups exhibited strong teamwork and cohesion within the membership and between the staff and members. Given the demanding and stressful role of CJG Coordinators, strong support by the Elders appears to be a key success factor. When asked what keeps her going, a Coordinator at one of the sites responded:

*“I think it's the support I get. Look, I always say, you're only as good as your backbone. If your backbone breaks, you don't have a head.” (CJG coordinator)*

### **Staffing**

The vision statement developed by CJGs at the 2019 consultations places support for staff and improving retention near the top of their list of ‘organisational priorities’. It is widely recognised that the performance of CJGs is heavily contingent on the staff and particularly the Coordinator position. Stakeholders noted that CJG Coordinators need a unique skillset, encompassing:

- knowledge of the justice system and the social services sector
- ability to engage and build relationships with Magistrates and government and non-government agency staff
- ability to engage with grassroots members of Aboriginal and Torres Strait Islander communities (strong cross-cultural skills)
- skills in brokering partnership and collaboration between diverse stakeholders to drive innovative solutions to complex problems
- strong project management and administrative skills

A common feature of the five CJGs visited during Year 1 of the evaluation is the feedback from coordinators that they work very long hours, well beyond their position descriptions. These five groups were all identified by DJAG as above average performing CJGs, which begs the question whether a very hard-working coordinator is a key success factor for a CJG. This link can be explored in Phases 2 and 3 of the evaluation. Stakeholders, and CJG staff themselves, did, however, express concerns that the workload increased the risks of burnout and high turnover. There was a sense from some of the interviews that the CJG program’s delivery is underpinned by the extraordinary efforts of ‘local heroes’, in the form of both Elders and respected persons who freely give their wisdom and time to work on some of the most difficult issues confronting their communities, as well as staff who routinely work many unpaid hours in highly stressful roles. The reasons for the high workload of many CJG staff require further investigation and will be explored in the next phases of the evaluation. Factors appear to include the high level of community demand for support from CJGs, including in areas outside their formally funded role, and the high level of demand from agencies and service providers for assistance from the CJG. Personal factors also seem to play a part – it is clear that many individuals in CJG coordinator roles are very community-minded individuals who have a predisposition to helping people wherever they are able. Further, these individuals may not have had human services training in setting professional boundaries and implementing self-care strategies. In Indigenous community organisations, it is typical for boundaries

between family, community and organisational responsibilities to be ill-defined. They do not conform to Western conceptions of the delineation of work and personal life.

Whatever the reasons, there is clearly a perpetual sustainability risk for any program that is overly reliant on the passion and commitment of individuals continually 'going the extra mile'. A former CJG coordinator, when asked why she left the job (a few years ago), responded: *"Just exhaustion... I think there's no support.<sup>32</sup> My life went a bit strange because of, well, everything I guess, you're only a human being yourself. It took a toll on me."*

The increase in resourcing for CJGs in recent years might be expected to relieve some of these workload issues, but that does not appear to have been the case in the five sites visited to date. At one site, the Coordinator felt that the funding enabling the employment of a support person had certainly helped her workload, but at other sites the CJG staff reported that they were working very long hours.

Support for CJG staff is clearly a critical need. The evaluation understands an Employee Assistance Service helpline, Benestar, is available to CJG staff and members, and this is an important item that is discussed in the training that DJAG provide CJGs along with information on how to access local and culturally appropriate support if needed. Benestar has an Aboriginal and Torres Strait Islander Support Line where callers can speak with a qualified clinician who either *'identifies as Aboriginal and Torres Strait Islander or has in depth cultural awareness and significant experience supporting Aboriginal and Torres Strait Islander people'*.

Because community engagement is such an important function for CJG staff, there are obvious advantages with having a local community member as a CJG Coordinator. On the other hand, some stakeholders observed that there can be advantages in having a neutral 'outsider' in the role, as they will not be perceived as linked to a particular family. Also, in small communities, it may not be possible to find someone with the formal skills and knowledge required of the role. Some stakeholders raised situations where CJGs had struggled due to appointing under-qualified local staff.

In the sites visited by the evaluation so far, there were both local community members and outsiders in the coordinator role. The local community members in the roles in three locations were all well-qualified and knowledgeable. In Normanton, where the Coordinator is not a member of the local Indigenous community, he is committed to training up a local person or persons to take on the role in the future.

The job of CJG Coordinator has become more complex with the additional resources flowing into the CJG program. This is adding a further requirement to the job of Coordinators, which is skills in managing staff and more complex organisations. A few stakeholders emphasised that this was causing challenges for the Program where existing Coordinators may not have those skills:

*[The CJG Coordinator] skill set is someone who has not just processed projects, but that can manage projects and has experience of actually managing small entities because that's what the Justice Group is. (Indigenous NGO stakeholder)*

*The Justice Group has been operating on very minimal [funds] all this time but with the increased funding, we now have coordinator plus two DFV officers and we feel that we're setting them up to fail because now there are some very well established Justice Groups realising that the Coordinator does not have the management skills. (Government stakeholder)*

---

<sup>32</sup> This individual did commend the level of support that she received from DJAG staff, but felt the broader support needed in the community for her role was insufficient.

*CJGs have expanded Service Agreements with DJAG in recent years. Their confidence in some cases needs to still grow to match the responsibilities they have signed up for. We need to offer our ongoing support with those matters. (Stakeholder survey response)*

There is a sense that some CJGs are experiencing ‘growing pains’ during this current phase of additional resources, staff and projects coming on-line. The stakeholder comments highlight the importance of enhancing the support for Coordinators and all CJG staff to ensure that they can meet the challenges of their expanded responsibilities. The feedback also highlights the need to look at the support provided for CJGs to recruit staff with the right qualifications or experience for the roles. For example, ORIC provides resources and guidance to help Indigenous organisations recruit suitable staff. These matters are considered further in Part [5.5](#) in relation to enhancing the Program’s inputs.

### **Data collection and performance measurement**

CJGs are required by their Service Agreements to report certain data, which hinges around their work within courts. In recent years, to try to capture the diversity of what CJGs are delivering outside of the court system, CJGs have been encouraged to include ‘good news stories’ in their quarterly performance reports. Beyond this, the evaluation has not yet found examples of other CJG-led performance monitoring of CJGs’ activities, such as project output metrics, regular client surveys, or other data collected about outcomes for clients.

In the evolution of a community organisation, more sophisticated data collection typically follows the phase where solid service delivery becomes embedded and management turns its mind to performance improvement. Emerging from the difficult era where resourcing did not match ambition, most CJGs are still in the phase of embedding sustainable service delivery. It is hoped that the Local Evaluations will encourage more evaluative thinking amongst CJGs and provide practical experience in data collection that CJGs might start to apply in their ongoing work.

### **Promotion and awareness of CJG activities**

A foundational element for delivery of any program is ensuring that the community and especially prospective clients know about the program and how to access it. A strong theme in stakeholder interviews was that CJGs currently do not adequately promote understanding of their activities. This comment was often combined with the observation that CJGs themselves may not be clear enough about the scope of their activities and therefore are unable to clearly articulate this to the community. For example, a respondent to the stakeholder survey said: *“A great program that could be utilised so much better if only there was more communication and clear outlines of service provision, governance and contact points.”* Another stakeholder told the evaluation: *“The role of the Community Justice Group? So that’s not always abundantly clear, not only to the Community Justice Group itself, but to other stakeholders in the community.”*

Communication needs to be directed both to community members, who might want to seek CJG help, and to other organisations, who might want to refer people to the CJG or to collaborate with them. In terms of communication with the community, several stakeholders noted that Murri Courts in particular need to be better promoted, because they rely on referrals for their participants:

*“There should be more education in terms of the availability of Murri Court. A lot of clients don’t even know that the Murri Court exists... and we talk to them about it and they go, ‘oh, yeah, sounds great’.”*  
*(Defence lawyer)*

Of the need to communicate better to other organisations, the following comments are illustrative:

*“From our end, as somebody who needs to be working with them, there is confusion around exactly like what they do and who does what.” (Indigenous NGO)*

*“To be truthful, I’ve got minimal understanding of what the [justice] group is or what it does... I think if it was promoted a bit better and people were more aware of it, then I think more support and more collaboration could be done to support those clients that are entering it.” (Indigenous NGO)*

*“It’s not communicated to externally. So I wouldn’t be able to tell you what any of their priority areas are. They might have self-defined... but for those on the outside, we don’t know what exactly is their mission state, what exactly are the outcomes... In the absence of information being provided to us, we just assume that they only do that core business of what we know. And that’s just courts.” (Government stakeholder)*

There was a wide range of suggestions by stakeholders to improve CJGs’ promotion, such as more information on websites, social media and pamphlets. There is more that DJAG could do at the Program-wide level, and there is more that individual CJGs could do locally to raise awareness of CJGs. The evaluation has developed a communications platform, *Our Community Justice*, with the principal aim to increase the opportunities for CJGs to share good practice across the network, but it will also increase the public visibility of what CJGs do.<sup>33</sup> DJAG should support CJGs to broaden their communication and promotion of what they offer to their communities and to stakeholders who might assist them.

## 4.7 OUTPUT – Court support

### 4.7.1 Overview

Initially, CJGs were funded by DATSIP to “assist in decreasing the number of Indigenous peoples coming before the judicial system and going to prison for repeat offences”. Following a 2005 Evaluation of the Queensland Aboriginal and Torres Strait Islander Justice Agreement<sup>34</sup>, administration of the CJG program was transferred to DJAG due to the prominence of CJGs’ work supporting people in the justice system. Subsequently, the work that CJGs do to support Aboriginal and Torres Strait Islander people in courts has been considered the core funded function of the CJG program since it was taken over by DJAG in 2006. Accordingly, part 8.0 of the current Funding Guidelines lists only the following justice programs:

- 8.1 Magistrates Court support
- 8.2 Murri Court
- 8.3 Remote Justice of the Peace
- 8.4 Domestic and Family Violence (DFV) Specialist Court
- 8.5 Domestic and Family Violence Enhancement
- 8.6 High Risk Youth Court (HRYC)
- 8.7 Restorative Justice Program (Thaa’ Pant Services)

<sup>33</sup> See [www.ourcommunityjustice.org](http://www.ourcommunityjustice.org)

<sup>34</sup> Cunneen, C. (2005) *Evaluation of the Queensland Aboriginal and Torres Strait Islander Justice Agreement: [Evaluation]*. Queensland Legislative Assembly. <https://www.indigenousjustice.gov.au/resources/evaluation-of-the-queensland-aboriginal-and-torres-strait-islander-justice-agreement/>

## 8.8 Alcohol Reform

A CJG's Service Agreement specifies which of the above list of functions it is funded to deliver, depending on which courts or specific initiatives operate in the CJG's location, and what the priorities are. CJGs may be funded to provide support only to Murri Courts, only to Magistrates Courts, or to a combination of courts – see Table 1 for the list of funded court functions at each CJG site.<sup>35</sup>

As Part 4.4 indicated, the Stakeholder Survey shows that stakeholders perceive court support functions as the most valuable functions CJGs currently deliver to communities.

### 4.7.2 How CJGs support people in court

The main activities that CJGs deliver to support people in court are as follows:

- prepare and present bail submissions to the Magistrates court
- prepare and present sentencing submissions to the Magistrates court
- attend Magistrates court sittings when Aboriginal and Torres Strait Islander offenders and victims are attending
- in Murri Court locations, prepare and present Murri Court Entry Reports and Sentence Reports for each defendant
- in Murri Court locations, attend, support and coordinate Murri Court sittings
- support victims and offenders through court processes
- pro-actively refer victims and offenders to support and legal services
- facilitate a supported referral process for victims and/or defendants, where needed, to the most appropriate service e.g. drug or alcohol, education, health
- attend and actively participate in interagency meetings about community justice, and in Murri Court locations, run quarterly Murri Court stakeholder meetings
- provide client support funding to clients where appropriate (e.g. to assist with transport, food and identification, or to purchase assessments, programs or training).

### 4.7.3 Reported output data for court support activities

As one of the core funded program activities, CJGs collect and report data on their provision of court support. For example, for Magistrates Court support, CJGs report on measures including<sup>36</sup>:

- Number of court proceedings attended out of total number of proceedings
- Number of offenders supported through court attendance
- Number of victims supported through court attendance
- Number of victims referred to support
- Number of court submissions for offenders (written or oral)
- Percentage of offenders and victims referred to support agencies after attending court

---

<sup>35</sup> Where the table lists 'CJG', this means that the funded group provides support to the mainstream Magistrates Court at that location. Where the table lists only 'MC', this indicates the group only supports clients in the Murri Court and does not attend mainstream Magistrates Courts. In some locations, the funded group attends both Murri Court and mainstream Magistrates Court, and in some cases, other specialist courts such as the Domestic and Family Violence Specialist Court (Mt Isa and Townsville) or the High Risk Youth Court (Townsville).

<sup>36</sup> CJG Program Guidelines, section 9.2 Deliverables, measures and performance indicators for the CJG program.

For Murri Courts, CJGs report on the number of participants supported, Murri Court Entry Reports and Murri Court Sentence Reports. CJGs submit these data about court support to the Department within one day of the court sitting date.

Figure 26 shows the aggregate numbers across the 40 CJG locations for the number of defendants supported, the type of support provided, and the number of referrals made for defendants. Data at the site level were not available to the evaluation for the first and last items in the list of court-related performance measures – the proportion of court proceedings attended and the percentage of offenders and victims referred. The evaluation assumes these are difficult to collect reliable data for at the CJG site level.

Nevertheless, it is possible to make a rough estimate for the proportion of court proceedings in CJG sites attended at the Program-wide level. The figures for 2020-21 indicate that CJGs across the state provided court support to 2362 people in relation to 3978 instances. QWIC data shows that across courts in CJG locations, 9975 Aboriginal and Torres Strait Islander persons (unique individuals) had finalised court appearances in 2020-21. This indicates that about one in four (24%) Aboriginal and Torres Strait Islander people who had finalised court appearance in these locations were provided with court support by CJGs. It should be emphasised that this is not an indication of under-servicing by CJGs because:

- CJGs may only be funded to provide support to one of the courts in a location (e.g. a Murri Court but not mainstream Magistrates Courts) and CJGs are less involved in providing court support in the District and Supreme Courts
- receiving support from the CJG or agreeing to go to a Murri Court is voluntary.

For comparison, the evaluation notes that the 2010 CJG evaluation report estimated that CJGs support over 4000 Indigenous offenders in court, amounting to 25% of all offenders who identify as Indigenous.<sup>37</sup>

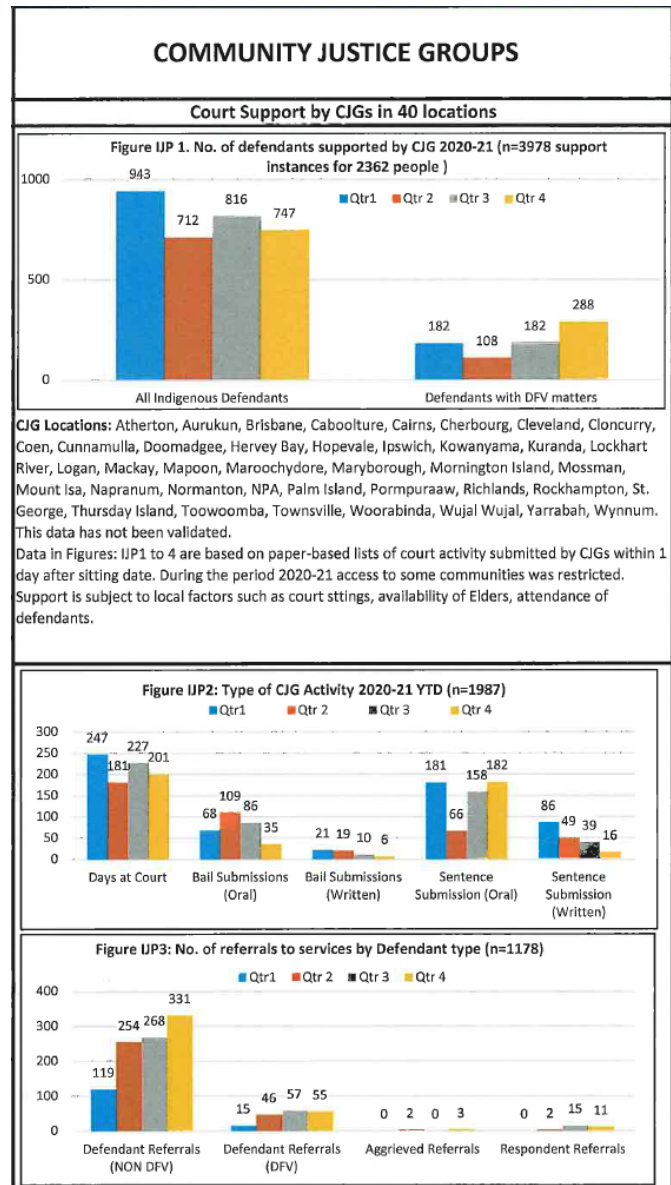


Figure 26. DJAG collated court-related activity data for CJGs

<sup>37</sup> KPMG. (2010). *Evaluation of the CJG Program*, p.56

This estimate was, however, derived using a highly speculative method of extrapolating data from a sample of 15 CJGs to the total of 52 CJGs funded under the Program.<sup>38</sup>

Other key indicators are that during 2020-21, CJGs:

- spent 856 days in court
- provided 298 oral bail submissions and 58 written bail submissions
- provided 587 oral sentence submissions and 190 written sentence submissions
- made 968 referrals for non DFV related issues and 173 for DFV defendants, 5 for aggrieved and 28 for respondents

As a core funded output of the Program, the attendance and support provided by CJGs at court is an important activity about which to collect data. The CJG Program Guidelines and current data collection systems reflect this. In some of the five Local Evaluations conducted in 2021, however, some CJGs expressed the view that the current performance measures in their Service Agreements (which are derived from the Program Guidelines) did not capture the breadth of their activities and were too narrowly focused on court. Two of the groups felt that their work in the community had achieved reductions in the number of people coming before the court – claims that will need to be investigated further when the evaluation focuses on outcomes in Phase 3) – and that the current performance measurement system did not capture their perceived success because it focused on the number of court proceedings attended and the number of offenders supported through court. These CJGs expressed a desire to develop additional measures that they felt would be more meaningful in capturing the important work they were doing in prevention and early intervention.

On paper, the performance measures in the Program Guidelines do appear narrowly focused on court-related activities. For a program as diverse as the CJG program, it is undoubtedly challenging to develop a uniform set of measures that captures the diversity of practice across CJG sites. The Program Guidelines do seek to capture activities such as training opportunities attended, interagency working group meetings attended, community events attended, and good news stories submitted. In practice, DJAG reports that it takes a flexible approach to performance measurement, negotiating targets with each CJG taking into account the range of local factors and constraints facing each group. There is some tailoring of performance measures within Service Agreements with each CJG, especially in relation to Community-Specific Activities.

Nevertheless, the evaluation presents an opportunity to work with CJGs to explore additional local measures of their performance (in terms of both outputs and outcomes) that they believe reflect their own understanding of their impact on reducing their communities' contact with the justice system. This might include developing new measures around some of the other activity domains in the Stronger CJGs framework, such as work on education, awareness, prevention, early intervention and reintegration following release from custody. For some groups, their impact might be measured in matters such as improved life outcomes for clients, such as reduced recidivism and improved employment outcomes.

---

<sup>38</sup> The reference to 52 CJGs suggest the calculation also includes 9 very small CJG operations on the outer islands of the Torres Strait, who in reality would provide court support to only a handful of people each year (QWIC data indicate there were only 82 finalised court appearances across these sites in 2020-21).

#### 4.7.4 Proportion of time spent by CJGs on court support

In the five Local Evaluation sites to date, the evaluation has mapped the proportion of CJG staff and members' time spent on various activities. As indicated in Part 4.5, for the domain 'Within the court process', the average across the five sites was 41% – this includes all of CJG staff's court support work, which entails not only attendance at Magistrates Court and/or Murri Court, but also preparing for court days, assisting police and lawyers, and assisting victims and defendants, including with referrals to support. It was noted earlier that there was significant variation, with as high as 50% in Rockhampton, where the CJG is funded primarily to coordinate Murri Court, and as low as 4% in Goondiwindi, where the court only visits once a month. Figure 18 in Part 4.5 shows that the time that CJG members spend in court also varies considerably, with members in Rockhampton spending 50% of their time in court, as they are part of regular Murri Court sittings, compared to Doomadgee members who spent only 5% of their time in court (equating to 1 day a month when the court is on circuit). The Service Agreements for CJGs reflect these differences, requiring that the CJGs attend courts as per published court sitting calendars, which in Rockhampton will be weekly, whereas in Doomadgee and Goondiwindi it will be monthly.

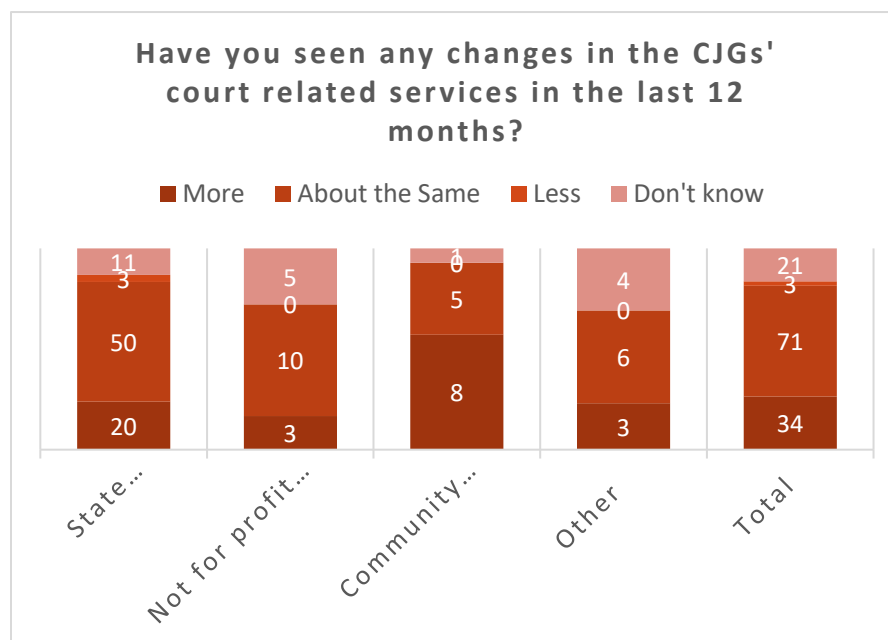


Figure 27. CJG Stakeholder Survey - Perceptions of changes in last 12 months

In the statewide stakeholder survey (Figure 17 in Part 4.4), 81% of respondents felt that CJGs were doing 'a great deal' in court-related tasks. Stakeholders were also asked whether they had seen any changes in the CJGs and their work over the last 12 months. Figure 27 indicates their response in relation to 'Court related services'. It shows that on average, most stakeholders (71 of 129, or 55%) feel that CJGs are doing 'about the same' amount of court-related services, while some stakeholders 26% believe they are doing 'more'. Only 3 stakeholders (2%) believe they are doing less. CJGs themselves are the stakeholders most likely to perceive that they are doing more court-related services (50% believe this to be the case).

#### 4.7.5 CJGs' work in mainstream courts

In the time since CJGs were established in the 1990s, they have become increasingly important in the functioning of criminal courts, especially Magistrates Courts. While this was not envisaged to be their



core function when CJGs were first conceived in Indigenous communities<sup>39</sup>, the amendments to sentencing laws in 2000 and the growing interest of Magistrates and judges in involving them in proceedings for Aboriginal and Torres Strait Islander people led to court-related support becoming a central feature of their work. CJGs had lobbied for greater recognition of their role in the State’s justice system and these reforms were groundbreaking. The increasing involvement of CJGs in the court process was recognised by Cunneen’s 2005 review of the Aboriginal and Torres Strait Islander Justice Agreement, which recommended “consideration should be given to transferring administration of CJGs to DJAG given both the nature of their work and the move of DATSIP away from service delivery.”<sup>40</sup>

The evaluation’s interviews with stakeholders at the Program level and in the five Local Evaluation sites have highlighted the valuable role that CJGs play in the court process, both for Aboriginal and Torres Strait Islander clients and for the lawyers and judicial officers in the court. This Part 4.7.5 will describe the dimensions of this support for mainstream courts in detail – the more structured role of CJGs in the Murri Courts is described in Part 4.7.6 below.

### **Pre-court support**

Defence lawyers from Aboriginal and Torres Strait Islander Legal Services (ATSILS), Legal Aid Queensland (LAQ) and other legal services (such as Queensland Indigenous Family Violence Legal Services) rely heavily on CJGs in some locations to assist them to engage Indigenous defendants and prepare them for court. As a defence lawyer in a regional location put it, “*the justice group is crucial for our work – we couldn’t do our job without them*”. CJG assistance takes many practical forms. For example, in remote locations where defence lawyers fly in only for court, CJGs may assist by tracking down clients and putting them on the phone with the lawyer to take instructions in the lead up to court. This is especially important for matters in the District Court, where the lawyer may need to conference with a client well in advance of the hearing date. In regional towns, the CJG might assist youth who do not have transport to travel to the ATSILS or LAQ offices to meet their lawyers. CJGs may also assist clients to obtain medical documents to assist their case. In Normanton, the Coordinator helps clients to apply for LAQ assistance, which involves taking them to Centrelink to obtain an income statement.

In Doomadgee, the lawyers from ATSILS also rely on the CJG for logistical support. When the lawyers fly in for court, they borrow the CJG car to visit clients and take instructions. They also use the CJG office as a ‘safe space’ for bringing together family members or witnesses for conferencing.

CJGs help facilitate the relationship between defence lawyers and their clients, providing cultural guidance to the lawyers and explanation to the clients. When ATSILS lawyers visit Doomadgee, the first thing they do is get an update from the CJG coordinator about local circumstances, such as sorry business, relations between families, and anything else they need to be aware of.

---

<sup>39</sup> The objectives of the pilot CJGs in the 1990s were more about developing ways for the community itself to deal more effectively with its problems of social control, addressing law and justice issues in accordance with community customs, laws and understandings, to prevent people from coming into contact with the criminal justice system. Involvement in courts was considered as an additional opportunity, rather than a core function of CJGs (Chantrill, P. (1998). Community justice in indigenous communities in Queensland: prospects for keeping young people out of detention. *Australian Indigenous Law Reporter*, 3(2), pp.163–179.

<http://www.jstor.org/stable/45239441>

<sup>40</sup> Cunneen. (2005). *Evaluation of the Queensland Aboriginal and Torres Strait Islander Justice Agreement*.

As discussed previously, a core component of the CJGs' role is their cultural knowledge and support through the court process. This includes consideration of the following aspects.

### **Providing cultural reports to the court**

Supported by legislation, a core function for CJGs, particularly in the Murri Court is preparing 'cultural reports' about clients to assist Magistrates in bail and sentencing decisions<sup>41</sup>. In some locations, CJGs prepare these written reports with clients before the court day, so the defence lawyers may submit them with their other material. At Doomadgee, the CJG coordinator spends about 1-1.5 hours with a client preparing this report. In other locations, cultural reports are delivered orally.

### **Getting people to court**

CJGs play a central role in ensuring that defendants actually attend their court hearings, which is crucial to court functioning, especially for time-constrained circuit courts. As a Magistrate highlighted, this can avoid warrants for arrest being issued:

*"A good example is Aurukun. The kids haven't turned up for court that day, and the Justice Group Coordinator will go round ... to their houses and bring them all in, encourage them that if they don't come, there might be a warrant for their arrest and explain to them they're probably not going to get locked up, just come along. So they're quite good at that sort of behind the scenes stuff, I think – for the adults too, but that seems to work quite well with the kids." (Magistrate)*

If a person does not appear in court, the CJG may also be able to provide an explanation to the Magistrate and prevent a warrant being issued for their arrest. For example, a defence lawyer explained that in remote communities, a person may not appear at court because they have travelled to another community for a funeral and become stranded there, or they have been unable to return after visiting a relative in hospital. The CJG may be able to explain this to the Magistrate and have the matter adjourned. As the lawyer explained, without that explanation, *"it's a missed court date, which usually can result in prison for longer if there's substantive serious charges attached... So they'll end up in custody for a lot longer than they probably should have."*

### **Supporting defendants in court**

Stakeholders noted that the presence of CJG members, especially Elders, in the courtroom created a less stressful environment for people appearing and helped with communication. The story in Box 4 exemplifies the unique role that the CJG can play. A Magistrate also pointed out that *"one thing that is really useful at times is someone [from the CJG] to help with language or to identify when somebody is clearly not understanding because of language issues or to pipe up and actually tell us that the person's got major mental health problems, because sometimes the lawyers just haven't picked up on it."* As an Elder from a remote community described it: *"We go to court and sit in there with them. And if the child or man or woman don't understand, we talk on their behalf and explain to the judge."*

---

<sup>41</sup> *Penalties and Sentences Act (1992).*

#### Box 4. A story of care and compassion in the courtroom

---

*The Magistrate started to do his sentence and the child freaked out, tried to run out of the courtroom. The Community Justice Group Men's DV coordinator was able to catch him before he went out. The mother started yelling at the Magistrate, because it made her feel upset that her child was frightened, and then the Elders were able to grab her, hug her, grab the child and hug him and just hold them and speak to the Magistrate and say, 'look I'm really sorry that this is what's happened, but they've had sorry business, she just lost her child.' So they're able to just speak about what the family had been through leading up to the sentence. Then the Magistrate... spoke to the child and said 'your Elders are here to support you, please sit down, I'm not going to send you to detention, but I am going to sentence you so you're going to have to stay with your Elders and I'll talk to you about everything. So that just settled everything down. It was very powerful, like I've never seen anything like that before... And it also just made me realise the importance of having our Elders in the courtroom. (Court stakeholder)*

---

#### **Advice to court about bail applications**

Under the *Bail Act 1980*, the court can take account of CJGs' submissions about bail. Figure 26 showed that in 2020/21, CJGs across the State reported providing 298 oral bail submissions and 58 written bail submissions – in other words, 84% are oral, and 16% written.

A Magistrate noted that CJGs from Cape York communities are regularly requested by courts to provide information about bail applications. For example, if police recommend that a person should not return to their community, and the defence lawyers suggest they live in another community while on bail, then the court will not make that order unless they contact the Justice Group from that other community to check that this arrangement is acceptable. Courts sometimes also rely on CJGs to explain bail conditions to defendants. The example in Box 5 illustrates how a CJG's input in bail proceedings can contribute not only to keeping someone out of custody, but provide the opportunity for them to address underlying issues.

#### Box 5. How CJG input in bail proceedings can keep people out of custody

---

*"So you might have a young woman that's pregnant, for example, and she's on a ICO [Intensive Correction Order]... which is what happened recently. The Justice Group [coordinator] stood up and gave a bit of an impassioned speech about her life and that allowed her to get bail... when her bail was otherwise going to be revoked. So without that knowledge of her history and everything that has gone against her, it would have put us at a stark disadvantage, because with some of our clients, we don't have much time to prepare... So it's important that we have people in the community that understand their unique issues, completely understand that person, that individual, the family, the things they're grappling with, whether it's substance abuse or alcohol use or anything like that. And the Justice Group can try and put them on track so that they don't relapse or break any of the orders that they're on, like suspended sentences and so forth... Some of these offences she was charged with were really minor kind of offences, but they were enough to trigger [a breach of] an ICO and certainly enough to put her in prison. And that's where she is squarely headed. So the next stages, and these things go on, is [the CJG Coordinator] is looking to enter her into either a rehab programme, so she can avoid full time custody, or he's also enrolled her into a State course. Which sort of shows a bit of a tunnel or a door out of the problem she's in. It might give the Magistrate a good reason to not actually send her to prison. And it's important to her because she has this little toddler and she's currently pregnant."*  
 (Lawyer)

---

### **Cultural reports for sentencing in the Magistrates Court**

When sentencing an Aboriginal or Torres Strait Islander offender, the *Penalties and Sentences Act 1992* requires the court to have regard to submissions made by a CJG about matters relevant to sentencing the offender, such as their relationship to the community, cultural considerations, and relevant programs and services for offenders that the CJG is involved in. The importance of courts taking into account information about an offender's cultural background and upbringing when sentencing an Indigenous offender was highlighted by the High Court decision in *Bugmy v The Queen* [2013] HCA 37 (28 August 2013). The High Court confirmed that the effects of a background of profound social deprivation do not diminish over time or with repeated incarceration, and sentencing courts should take evidence about this into account for individuals being sentenced. This makes the input of CJGs crucial.

While the evaluation has only visited five CJG sites to date, evidence from stakeholder interviews and the stakeholder survey indicates that the consistency and quality of output of CJGs in delivering cultural reports to mainstream courts varies widely across the State. CJGs can provide their submissions to court either through written cultural reports prepared before court appearances or through verbal input by CJG staff or members in the courtroom during sittings. It appears that in some locations, all submissions are written (e.g. Mount Isa), and in others, all submissions are verbal, while others have a mixture of both (e.g. Doomadgee).

#### **Box 6. Court stakeholders' perspectives on the value of cultural reports**

---

*"We have a lot of people that English is their second language and native language is an important part of how they represent themselves and how they communicate. Having the Community Justice Group involved and ... spending a lot of time with people getting their personal information from them, I think that that is sometimes bridging the gap in the cultural awareness that some practitioners have. Because we have a transient workforce out here, transient professionals would come out here as well, and I think that what is actually happening and that I've observed is that having a functioning Community Justice Group means that I'm actually getting the histories of people more. I'm getting their antecedents more. So people are getting represented more and their information and stories are before the court, which they wouldn't be if I didn't have that resource for this area... because I know about the history of trauma and so I can consider principles in Bugmy and the Queen in the High Court. I can think about whether they are candidates for supervision, whether they need support in the community, there's such a breadth of sentencing information that comes from someone being able to properly communicate with someone and hear their stories in a way and talk to them because [they have that] level of trust in the community. It doesn't exist necessarily with the professionals that come in and out." (Magistrate A)*

*"In [Community X], for example, where you've got those warring tribes, [the CJG] try and explain to the court where it all fits in and why this person is always getting involved in the family dispute. We get snippets of it, and to a great extent, that should be the defence lawyer's job too. But they [CJGs] definitely can fill the gaps in just explaining to us, 'Well, look, they're part of a family that's always been in dispute with this family, and the parents have been encouraging it.'" (Magistrate B)*

*"So when the Magistrate sees these people in court and reads all the charges, that's just a piece of paper, whereas when the Elders can actually speak up and give their submissions of who this person is in their community and [they've] watched them grow, and they know what's happened to these people. You're not going to get that from their legal reps at all. And they feel more comfortable with an Elder telling their story as opposed to somebody who's flown in for the day for court." (DJAG staff member)*

---

Defence lawyers told the evaluation that the information that CJGs provide, either written or verbally, is generally very helpful. For example, the CJG may be able to attest to the person’s good reputation in the community, and the fact that they provide well for their family. The CJGs may also be able to explain any context for the offending behaviour, such as kinship relationships, family disputes or triggers related to ‘sorry business’ or unresolved childhood trauma. For example, the CJG may be able to provide *“background about the way they were raised, if there was any domestic and family violence within the house when they were growing up, all those sorts of things which can impact on their way they react, or interact with society, and their actions.”* As Box 6 shows, this is valuable information for the court that will not be in the person’s official history and a lawyer would not necessarily be able to get the defendant to tell them these sorts of things.

As well as background about the individual’s upbringing and place in the community, in some cases the CJG is able to provide crucial cultural information where traditional lore and custom is involved. Box 7 is an example of this from a remote community. Another example from the Torres Strait was where an assault was the result of a person cutting down a significant coconut tree without permission. The CJG involved the native title body and explained *“what that coconut tree means to Islanders, because that’s a boundary marker... and it is forbidden, to cut it down. It’s a part of you, and it’s just like if you was to cut down that tree... you cut off my head. That charge was essentially dismissed”* (Government stakeholder).

#### Box 7. Role of CJGs in explaining LORE to the court

---

*“The young man, he actually went and hit someone in the knee with a stick. And that person was discussing men’s business in front of women and that young person, he went through the men’s business process, you know, the lore. Therefore, he felt that he had to protect that because that person that was sharing it should not have shared it in front of women. It was to do with discussing L-O-R-E, men’s business. And the court processes have kind of clashed with LORE compared to the L-A-W. So what happened was [a CJG Elder] stood up and expressed that the court was undermining lore in this instance, because it was a lore matter, rather than a law matter. The judge... she listened to what [the Elder] had to say and his charges were converted to a fine.”* (CJG staff member)

---

A police stakeholder noted that the CJG submissions *“tend to be a bit more honest and recognise some of the issues that people face”*, which he contrasted with defence lawyers, who he perceived as not presenting the entire truth in their submissions. He felt that this was important because *“we’ve got a better chance of dealing with some of the underlying issues if these submissions are honest.”*

On the other hand, Magistrates noted that CJG submissions could occasionally be too honest, to the detriment of the offender:

*“I was sentencing a young kid for some minor drug possession, and one Elder piped up when I said ‘was there anything else the justice Group would like to add?’, and she said [to the defendant], ‘Yes, we know you’re growing it, we know you’re selling it to people, now you’ve got to stop!’ and I’m there saying ‘You can’t do that in court.’”* (Magistrate)

While Magistrates interviewed for the evaluation saw considerable value in cultural reports, they acknowledged that the usefulness of these submissions can vary, depending on the CJG or sometimes the knowledge or experience of the Coordinator. One Magistrate reported that *“we are getting a lot of information from the Community Justice Group, we get a lot of assistance with the court reports, which are brilliant, they are just such a great resource for us... the mix that I get is perfect because I get a lot of information about a defendant that they may not have been able to give to their lawyer [because] they*

wouldn't feel comfortable in having built rapport with that person. So I'm really happy with the content of my report." A Magistrate in another part of the State felt that the cultural reports "can be a bit hit and miss" and noted that some CJG coordinators did not include cultural information but included other information (such as providing specific sentencing recommendations) that went beyond the proper role of these submissions or provided information that could be damaging to the client. The Magistrate suggested more training for CJGs might avoid such situations.

A theme of the interviews with court stakeholders is that different Magistrates have different expectations and requirements about the sort of information they want in CJG submissions and what format they want to receive it in. A Magistrate acknowledged that this was difficult for CJGs, because Magistrates constantly change rosters and circuits. An ATSILS stakeholder suggested that this made it imperative that any training for a CJG about their court submissions should not be generic but should involve the local Magistrate. It was further suggested that whenever a new Magistrate commences at a court, they should meet with the CJG and discuss their specific expectations about CJG input.

The evaluation notes that the Magistrates Induction Booklet developed by DJAG sets out a procedure whereby a new Magistrate should meet with the CJG within 30 days of starting in a location and quarterly thereafter. This reflects a commitment in the *Magistrates Court of Queensland Reconciliation Action Plan*. The evaluation understands this practice has not yet been fully implemented. Given the feedback from stakeholders reported here, the evaluation suggests that this be implemented as a matter of priority.

In some locations, the evaluation understands that the Department's IJOs prepare reports for Magistrates prior to their circuits, which is an opportunity to advise them about what the CJGs can offer the court in those locations. Further, in some locations, the CJG have built relationships with the local magistrate and meet with Magistrate prior to the court sitting. This has helped with court proceedings and understanding of local issues.

### **Court diversion to community programs**

The *Penalties and Sentences Act 1992* and the *Bail Act 1980* recognise that in addition to information about the offender's relationship to the community and cultural considerations, a CJG's submissions to the court may be about "considerations relating to programs and services established for offenders in which the community justice group participates". The intent of the provision was that CJGs could advise the court about programs or services to which the court could divert an individual when considering whether to grant bail or what sentence to impose. This process is formalised for Murri Courts (which refer defendants to programs and services during a period when they are on bail), but it is also an option for mainstream courts.

This option requires first, that there are suitable programs or services available and second, that the CJG is communicating these to the court. The evaluation heard that these types of court diversion are happening in some locations but not across the board, sometimes because the options are not available and sometimes because the court is not aware of the options. For example, in Box 8, a stakeholder described the practice of court diversion to CJGs in the Northern Peninsula Area but was concerned that new Magistrates were not always aware of the option. A defence lawyer indicated that a difficulty for CJGs wanting to communicate bail options is that bail applications are considered by circuit courts very early in the morning, before the CJG has had an opportunity to discuss options with the defendant: "most of the time, they won't be able to say, 'Your Honour, we'll take them into this program or that program or do this or that for them.' There's just not enough time."

In contrast, a Magistrate who had circuted to Yarrabah spoke about working well with the CJG to divert parties at DV protection application hearings to local programs. The Magistrate explained that these DV orders are usually for five years, but the court could make a temporary order on the condition that the perpetrator engage with the Gindaja alcohol rehabilitation program or the Young Warriors Program, and then check back in three months whether the order can be made for a shorter period, or whether it is even needed anymore. This process ensures that a person gets assistance and also avoids lengthy DV orders being imposed with a high risk of a breach and therefore return to court. In other remote communities, the evaluation heard that when considering bail or sentencing, Magistrates occasionally take into account CJG suggestions that individuals should attend men’s groups or similar programs. Some Magistrates meet with CJGs prior to court where options for referrals can be discussed.

With the increases in funding for CJGs, there may be opportunities to enhance the level of court diversion to new programs supported by the CJG and other providers working with the CJG. For example, a remote community CJG Coordinator told the evaluation she was planning to talk to the Magistrate about a new men’s behaviour change program that the CJG organisation is developing. Some of these activities could be considered as part of the place-specific Community Specific Activities that CJGs may negotiate as part of their Service Agreements.

#### Box 8. An example of court diversion to CJGs

---

*“When we go to NPA, we do something called cultural mediation. I’m not sure whether the other courts use it. So what happens is... you get families blueing, they come before the court, and so what the Magistrate does is basically try to divert a lot of these matters away from the courts and get the Justice Group to sort it out within the community. But what’s happened recently is you get a lot of Magistrates come up who doesn’t understand the whole culture, and doesn’t recognise cultural mediation at all. So when you get submissions saying... a lawyer gets up and says... ‘can we refer this to mediation?’. [The Magistrate] ‘Oh, what’s this? But it doesn’t exist. It’s got to go through the normal channels.’ Then you get numbers increasing in the court system, all the work orders, and Indigenous people coming through having to plead guilty to all these charges, whereas they could have been diverted and sorted out within the community.” (Court stakeholder)*

---

A defence lawyer who visits remote communities expressed a view that the current ‘zero tolerance’ approach to DFV has major unintended consequences in increasing the number of DFV convictions for Aboriginal and Torres Strait Islander people in remote areas. This arises from the fact that due to risk aversion, police and courts have tended not to grant bail for DFV related charges, even where they are, in the opinion of a defence lawyer, relatively minor (an example cited was “a barrage of words or abuse”). In practice, this means that a defendant charged with a minor DFV offence where they might have a good chance of acquittal will nevertheless have an incentive to plead guilty because the matter will then be dealt with on the spot and unlikely to result in a prison sentence. By contrast, if they contest the charge, they will likely be remanded in custody until the court hearing in another one to two months. This scenario highlights the need for appropriate bail programs to be in place for offenders in remote communities charged with DFV offences. This issue will be explored in the Local Evaluations in Phase 2, especially in the sites where CJGs are delivering DFV Enhancement services. The potential role for CJGs to run bail programs or at least to link into third party bail programs deserves further consideration. Improved bail options is also a matter that non-remote CJGs are pursuing. The Pioneer Murri Court Elders have been lobbying for supervised bail accommodation to be established for young Indigenous people in Mackay. The Elders felt that children given bail (or returning from detention) were being set up to fail because they were placed back into the same situations which had led them to offend. They cited the example of a

young person who was given bail and promised accommodation at a local youth accommodation but was subsequently rejected by that facility and ended up homeless and re-offending.<sup>42</sup>

### ***CJG input into higher courts (District Court and Supreme Court) and specialist courts***

The evaluation understands that CJGs are also providing input into higher courts in some locations (outside the scope of their funded services), but this is not consistent across the State. The Mount Isa CJG advised DJAG it provides about five written cultural reports during each of nine higher court sittings per year. The twice-yearly District Court sittings in Thursday Island also receive cultural reports from the CJG. Recent ‘activity mapping’ by the Department with CJGs did not reveal examples of CJGs providing sentencing submissions to higher courts in other locations.

CJGs are contracted to provide court support to three specialist courts (other than Murri Courts):

- High Risk Youth Court – Townsville
- Domestic and Family Violence Specialist Court – Townsville
- Domestic and Family Violence Specialist Court – Mount Isa

Local Evaluations have not yet been conducted at these locations so the evaluation is unable to comment on the CJGs’ level of output in these courts. This will be reported on in later phases of the Evaluation.

### ***Stakeholders’ perceptions of quality of CJGs’ output in the mainstream courts***

Through the stakeholder interviews, Local Evaluations, stakeholder survey feedback, and DJAG data, the evaluation was able to form a general impression about stakeholders’ perceptions of the quality of CJGs’ mainstream court-related support. Not surprisingly, there is significant variation across CJG locations. For example, community and organisational stakeholders were generally positive about the court support provided by the Doomadgee CJG.<sup>43</sup> As indicated in some of the comments above, defence lawyers in some locations are very positive about CJGs’ role in the court. A lawyer responded to the survey that “[t]he CJG is an incredible help when making cultural based submissions before a Magistrate. [The coordinator] is incredible.”

In other courts, stakeholders felt the CJG coordinator provided a reasonable level of support, but more participation was needed from CJG members. DJAG records indicate that in at least four regional or remote communities, stakeholders have recently raised concerns about the CJG coordinators’ performance in providing, or organising CJG members to provide, court-related support. The variability reported by stakeholders illustrates the need for continuing attention to the program inputs required to address these service delivery issues (such as training and staffing issues), which are discussed further in Part 5.

Two regionally-based Magistrates interviewed by the evaluation were generally very positive about the level of mainstream court-related support provided by the CJGs:

*“We see them all of the time, we have a Community Justice Group representative in court basically every day here... they are always there facilitating the court functioning.” (Magistrate)*

---

<sup>42</sup> The CJG paid for him to stay at a motel, but he was on his own unsupervised and “it was a very short period of time before he got back on the drugs and reoffended and ended up back in custody.”

<sup>43</sup> For example, a community organisation stakeholder observed: “From what I understand, in the court process they’re doing a fairly good job.... There’s always someone up there that’s advocating and you know, they get the family, their Elders up there to advocate for people who are going to court.”



A Magistrate who has worked with most CJGs across the Cairns and Cape York region highlighted at least five CJGs who were providing excellent court support. For example:

*“[In Mossman] They just seem to have that capacity to be willing to go above and beyond the call of duty. And they really seem to have their heart and soul in the job of trying to improve the situation for their people and for it to be a healing process, rather than sticking to requirements in ticking boxes and having to fit criteria.”*

*“The Mossman ladies, they're terrific in court because they're really willing to stand up in particular with the young people and say to them directly ‘You know, we've known you for ever and we really want to help you to come and see us.’ And the feedback once you've been going there for a while, is that those kids go, they're not scared anymore. They don't feel ashamed. So they really are quite good at breaking down those barriers. So I think it's that approachability and I think they follow up after Court too and drop into the family and say, ‘come on, you can come and see us if you like.’ So I think that's the real key. And it's all about trust and feeling that anything they discuss with those people isn't going to be spread all around town.”*

*“I think the work that's being done in Cairns at the moment by the Justice Group there is pretty good.”*

*“[In Yarrabah] it works really well. You have the coordinator, but you have at least four or five members of the Justice Group who turn up every day and they're there all day and each one might have a strength... And Wujal, it's the same.”*

A further source of data about CJGs' current level and quality of output in relation to delivering court services is the quarterly performance conversations held by CJGs and IJOs. In these conversations, 12 of the 22 CJGs completing the conversation survey tool during 2021 rated their CJG as being 'confident and capable' in their delivery of court services and 13 assessed themselves this way in relation to support for people using the court. Eight rated themselves as being at the 'manage with support' stage in their delivery of court services, and 2 rated as being at the 'beginning – a way to go' stage for both of these services. These ratings cover support to both Murri Courts and mainstream and specialist courts, and they illustrate the variability of delivery of this output which can occur when staff change.

In four locations where Local Evaluations have been undertaken to date, community surveys have captured feedback about clients' and their families' views about the support they received in court. The sample size is small (53 responses) and the people surveyed and the responses may be affected due to CJG members themselves administering some of the surveys. In addition, it should be noted that higher-performing CJG sites were chosen for the Local Evaluations in 2021, so the sample is not representative of all CJGs. Nevertheless, the responses provide some indication of participants' satisfaction with higher-performing CJGs.<sup>44</sup> Figure 29 sets out responses to the following questions:

“When you, your family member or friend went to court, how much did the Justice Group:

- help you, your family or friend understand what was happening in the court and what you had to do?

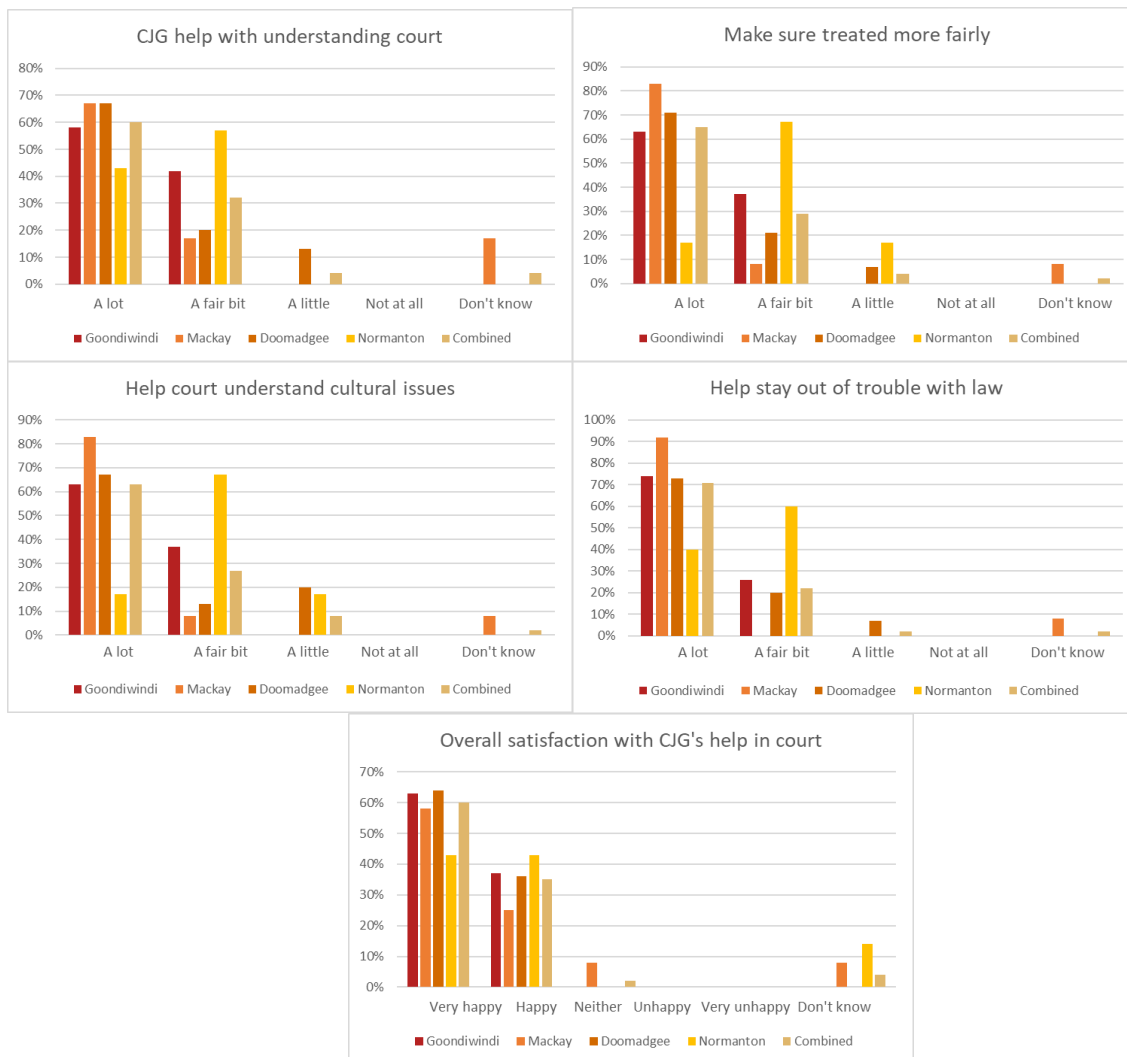
---

<sup>44</sup> Using a participatory process, the evaluation team worked with CJGs themselves to plan and implement the Local Evaluations, including paying for local field workers to conduct the surveys. In some locations, CJG members themselves wanted to conduct the surveys. Although this is less independent, Myuma took the view that there were benefits in CJGs themselves undertaking these types of evaluation activities, to build monitoring and evaluation skills and provide an opportunity for CJG members to have evaluative conversations with community members and clients.

- help the court understand the cultural issues involved in the matter/s? (In this question, ‘the court’ includes Magistrates, court staff and other people involved such as police and lawyers.)
- make sure that you, your family or friend were treated more fairly?
- help you, your family or friend to stay out of trouble with the law in the future?”

“Overall, how happy were you with the help the Community Justice Group gave you or your family or friend when going to court?”

The graphs show that on the first four measures, between 60-70% of the combined respondents of all the communities felt that the CJG had helped them or their family or friends ‘a lot’ when going to court, and that overall, 60% were ‘very happy’ and 35% were ‘happy’ with the CJG’s support, while no respondents were ‘unhappy’. Significantly, the highest scores were for the CJG’s support for people in ‘helping to stay out of trouble with the law in the future’. The responses were fairly consistent across all the sites, with the only Murri Court site, Mackay, having the highest ratings for court users. These surveys will also be conducted in other CJG sites during Phase 2 and 3 of the evaluation, which will enable further comparison between Murri Court and mainstream Magistrates Court sites.



**Figure 28. Community Survey - Client and family perceptions of CJG support**

When asked why they had responded this way, stakeholders' comments included the following:

*"Like the way they helped my grandson"*

*"I like what they do and they do their job and after court they explained what can happen"*

*"I got a reduced Fine and helped on country project to pay the fine."*

*"My friend was in a real moral predicament with their case & got a really positive result from their court appearance thanks to the CJG help"*

#### 4.7.6 CJG support for Murri Court

##### *The Murri Court model*

Murri Courts have formalised the process of CJGs providing cultural advice to courts sentencing Indigenous offenders, and created a structured opportunity for CJGs to work with Indigenous offenders on addressing underlying issues. The Murri Court model operates as follows:

- An Aboriginal and Torres Strait Islander person on bail who has or intends to plead guilty can be referred to Murri Court, usually by their lawyer
- The Magistrate considers eligibility and suitability and adjourns the matter for 2-4 weeks to allow the CJG to assess the offender and provide a Murri Court Entry Report for the Magistrate
- The Magistrate considers the report and may agree to extend bail for a period for the pre-sentence referral process to take place. Bail conditions for this period, which might be 3-12 months, might require attendance at services such as counselling or yarning circles. The CJG may also refer the offender to various support services. Periodic updates are provided to the Court on the individual's progress (Murri Court Progress Report may be provided by the CJG and/or service providers working with the individual)
- At the end of this period, the CJG provides a Murri Court Sentence Report to the Magistrate, which documents the progress made by the individual and provides other information of the type included in 'cultural reports' provided by CJGs to mainstream courts
- The Magistrate then considers the Sentence Report, other submissions and any victim impact statement and sentences the offender.

Murri Courts currently operate in 15 locations and for youth only, in 3 locations (Mackay, Rockhampton and Cairns). The role of CJGs is to coordinate the involvement and remuneration of Elders and respected persons in the Murri Court, to prepare the various reports as outlined in the process above, and to connect individuals with services and support. They are required to hold quarterly Murri Court stakeholder meetings.

Murri Courts were independently evaluated in 2019 by Ipsos.<sup>45</sup> The evaluation found that "the Murri Court system and its affiliated supportive services are welcomed, respected and deeply appreciated by Aboriginal and/or Torres Strait Islander communities across Queensland" and that "the Murri Courts are, in a number of respects, meeting their founding objectives and bearing fruit in the lives of Aboriginal and/or Torres Strait Islander people". As a current Murri Court coordinator explained, the courts have

---

<sup>45</sup> Ipsos. (2019). *Evaluation of Murri Court: Prepared for the Queensland Department of Justice and Attorney-General* [Evaluation]. Queensland Government.

significantly changed the relationship between the justice system and Indigenous communities where they have operated:

*“Since the establishment of Murri Court throughout Queensland, there’s been a mighty change in the representation of our mob coming through the criminal justice system, the opportunity of our mob being able to speak and being heard, having a voice, there. The Elders or CJGs, then the victims and perpetrators as well. Because before that wasn’t available for our mob, it was just plead guilty, no representation except ATSILS. But now it’s like a more comprehensive level of services for that person to ensure that they don’t continue down that road” (CJG coordinator).*

The current evaluation of CJGs is not intended to replicate the Murri Court evaluation, although they are obviously a central feature of CJG activity in many locations. The 2020 consultation report with CJGs noted that: “In communities with a Murri Court, it was evident in the workshops that the CJG activities in these communities revolve around the Murri Court”.<sup>46</sup>

While this evaluation report has not repeated the in-depth analysis of Murri Court processes and outcomes from the 2019 evaluation, the Local Evaluations did include two Murri Court sites (Rockhampton and Mackay) and the interviews with Magistrates did elicit considerable feedback about Murri Courts. This qualitative feedback is reported in this Part.

What is clear from the interviews is that the collaboration between Magistrates and CJGs through Murri Courts has created an incubator for innovative forms of therapeutic jurisprudence that are targeting underlying causes of Indigenous people’s contact with the Justice system. For example, the Brisbane and Richlands Murri Courts are now using sophisticated mental health and cognitive functioning assessments to identify firstly, how best to deal with participants during the Murri Court process and secondly, what interventions are needed to address their needs. Elders assist participants to undertake these assessments, attending appointments and explaining the process. As a Murri Court Magistrate explained:

*“Those reports are used for sentence but they are also used for us to manage the participants in the program because they’ll tell us how to speak to them, how to connect, what not to do. I was just reading one today: ‘Don’t answer for them. Don’t interrupt them. Speak in small sentences, repeat, repeat, repeat and get them to tell you what they understand of what you said’... those sorts of things. So it means that you are dealing with them in a manner appropriate to them.”*

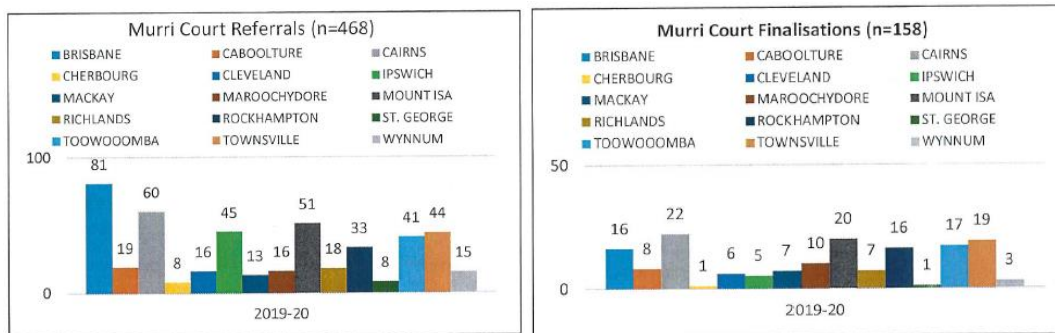
Box 9 highlights the reasons that stakeholders believe that Murri Courts have a positive impact on Aboriginal and Torres Strait Islander offenders, in contrast to mainstream courts.

### **Quantum of output of CJGs in Murri Court**

Figure 30 shows the number of Murri Court Referrals and Murri Court Finalisations in 2019-20 (figures were not available to the evaluation for 2020-21). The figures show the significant difference in the volume of cases being dealt with by Murri Courts at different sites, with larger courts like Brisbane having weekly Murri Courts and others such as Mackay only monthly. There was a total of 468 referrals to Murri Court across all 15 sites in this 6-month period, and 158 Murri Court finalisations.

---

<sup>46</sup> KPMG. (2020). *Community Justice Group Consultations: Community Justice Group Service Delivery Blueprint.*



**Figure 29. Murri Court Referrals and Finalisations, 2019-20**

**Success factors and inhibiting factors for CJG output in Murri Courts**

The interviews conducted by the evaluation have revealed both success factors and inhibiting factors for the work of CJGs in Murri Courts. These are set out in Box 9 and Box 11 respectively.

**Box 9. Key ingredients for successful Murri Courts**

**Strong relationships of respect between Magistrates, CJGs and Elders**

*“For the Rockhampton Justice Group, a good news story is the relationship with the coordinating Magistrate. And he was tough, he was so tough [before]. And to see him now sitting around the stakeholder table, and talking with the Elders, embedding actions out of the RAP. Last year, he took the Elders to Christmas lunch... He can now see it working because you've got people that are just pushing the program forward and really keeping stakeholders accountable, defendants accountable, keeping everybody up to date with what's going on.” (Government stakeholder)*

*“All the rapport that we've had with all of the Magistrates... it's just awesome to go in there [to court] and it's not like back in the day when you go into an institution, you know, you got this fear, like you're going to get into trouble. But because of all the breakdown of these barriers that have been inside the court, it's awesome to walk in there now because everybody [the court participants] comes up and says, 'hey Auntie' – they call us all auntie and uncle.” (Murri Court Elder)*

*“I fell in love with the process at the start because the Murri Court is just totally different. The judge actually sits down with you on eye level he's not sitting up at the gallery or anything like that, looking down. Seems like, you know, they're not looking down on you... He actually sits there and has a conversation with [participants] and he genuinely wants to help them.” (CJG member)*

**Committed and well organised Coordinators**

*“There's probably loads of unspoken work that [the coordinator] does, but I can imagine her pouring over the paperwork pretty much every night of the week to be able to get us ready for each fortnight for the Murri Court. She gets all the Elders organised. Getting all my paperwork together. Give me the rundown on what's happening. She does intake so she'll sit down here and go over everything, we start from the start. What was your childhood like? What was your high school like? What's home life like? You know, and find out each little individual factor that could be, that could amount to what's happening in a person's life. She becomes a mother, you know, for these young kids.” (CJG member)*

## Box 10. In their own words: why stakeholders believe Murri Court changes people

---

### ***It encourages people to take responsibility and be accountable for their actions***

*“The idea I like about the Murri Court is it puts the responsibility back onto clients and making them responsible to ensure that they're doing this or that or whatever they're being asked to do.” (NGO stakeholder)*

*“When an Elder was disappointed in the lack of progress from a client and spoke to that in court... you could see that the client could feel what looked like they had been seen, made visible, by the Elder – that they couldn't hide from their actions or their lack of participation in the programs or the services that they were referred to by the Elder... And the victim is sitting in court as well. That impact was felt by them in terms of them feeling like someone else can see what is happening in their situation. And so subsequently, they feel supported. They feel seen. They feel valued by the Elders.” (Court stakeholder)*

### ***It provides the time and the opportunity for people to get help and to change things***

*“The other thing about the Murri Court model is that they can be the court for many, many months. DJAG like them to get in and out in three months, but three months is simply not enough time to one, be assessed and two, require them to utilise these opportunities and, for example, get used to reporting – not reporting to police, but reporting to the court, reporting for yarning circles... Given that we find that essentially all of them have significant trauma, they need time. And also the Elders say that, in terms of their involvement, it's about trust, relationships, so if things were to be turned over in 3 months, the Elders might have no more than one contact with them given the roster arrangement. So this way, I think I've sentenced people who have been in the court for 2 years.”*

*“We've got an older lady in court at the moment. And for the first time she's had support around the things that, you know, she really needs” (Murri Court Elder)*

### ***It strengthens people by re-connecting them with culture and kinship networks***

*“I think the power of Murri Court is that when you've got the Elders there, and they bring to the participant's attention of who they really are and where they come from, their heritage. And Uncle James will say to one of them ‘your grandfather was a hero back in such and such.’ And there's this boy didn't even know nothing about it... That's the whole thing about the Elders, they are able to empower them or give them a sense of belonging. And we've seen that with that young girl. You know, she came in a mess, then she finds out her parents, her grandparents are great leaders of Woorabinda, you know, worked with our mothers and fathers. She knew nothing of that. And that's the heritage. And that's what we bring to the table with our young people.” (Murri Court Elder)*

### ***It shows people care and compassion***

*“I think it's the fact that they come in and for the first time somebody cares about them and what's going to happen. I think that changes a lot of their mindset, because they see a group of people who care about them.” (NGO stakeholder)*

*“When we go to court, I speak as if they were my own kids, you know, and encourage them and let them know that there is the support there, even when they come out of court [and] come down here to the Coordinator... We show them compassion, they're probably not getting all that stuff at home.” (Murri Court Elder)*

---

## Box 11. Inhibiting factors for Murri Court

### **Some participants will not engage in the process and accept help**

*“We had a recent spate of returns to mainstream court because clients just aren't engaging and we just cannot force them to do that. And that's a real concern. And what can we do about that as the CJG or do we just keep rolling with it, I mean, there's only so many times [the Coordinator] and I can go doorknocking and, you know, reaching out. We're just here to try and support you, we're not gonna hold your hand... But it's a shame when we have to send them back to mainstream court. It makes you feel no good but what can you do?” (Murri Court Elder)*

### **Some participants do not have respect for Elders**

*“[Murri Court] only works if the people are there for the right reason. And they have respect for the Elders. So I don't know how we how we get back to that.” (NGO Stakeholder)*

*“The respect for Elders was the hinge for clients – if a client respected the Elder, the Murri Court was useful and effective and where a client didn't have any respect for the Elders, then the Murri Court Community Justice Group wasn't as effective.” (Court stakeholder)*

### **Murri Court may not be as effective where Elders don't have the cultural or family connections to participants**

*“I think there should be more persons selected who are Elders of defendants in a cultural way.” (Court stakeholder)*

*“It's about having true representation in that respect between that individual and that Elder or that group of Elders, and especially if they're not from the area...” (Government stakeholder)*

### **Participant feedback about the quality of CJG support in Murri Court**

In measuring the quality of an output such as Murri Court support by CJGs, the feedback of participants is a key indicator. The evaluation notes that a recent review of Murri Court feedback forms from 2017 to 2019 showed a high degree of satisfaction by participants.<sup>47</sup> All participants indicated they ‘would tell other Aboriginal and/or Torres Strait Islander people about Murri Court’, with the top three reasons being to get support with their problems (33%), so people can learn about themselves and improve their lives (31%) and being more comfortable or getting fairer treatment (19%). In the current evaluation, Myuma conducted a community survey at one Murri Court site, Mackay, where people who had been assisted in court by the CJG or who had friends or family assisted in court were asked for feedback on the four questions in Figure 31. While a small sample size, these results also showed a high level of satisfaction with the support in court. Comments by participants included:

*“They are deadly for talking about our culture. I like how they assist me in all ways possible within the court system. It was up to me to choose the right choices.”*

*“Because the Elders were really helpful through everything with my cousin.”*

*“I was shown tough love, but I was happy with the outcome of my court procedures.”*

<sup>47</sup> Outpost Consulting. (2020) *Analysis of the needs and circumstances of Aboriginal and Torres Strait Islander participants: Murri Court*, unpublished report.

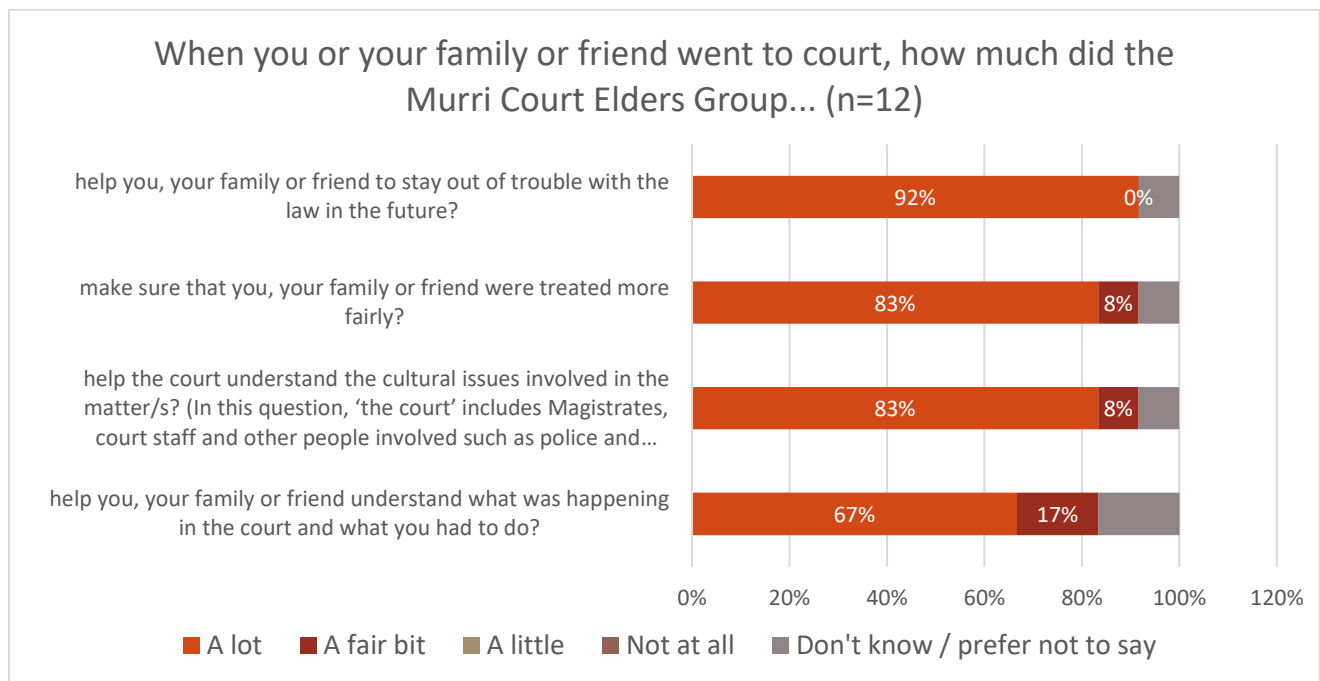


Figure 30. Mackay CJG Community Survey, Myuma 2021

#### 4.7.7 Support for offenders to access services and assistance to address underlying needs

The role of CJGs working with Aboriginal and Torres Strait Islander people going through courts is not restricted to supporting them through the court process and supporting the courts to work in a culturally appropriate manner. A critical part of their role is to support offenders to access services to address the underlying causes of their offending. This typically involves referring offenders to relevant services, assisting them to access the services, and to some extent, case managing their journey through the service system to meet their complex needs.

All CJGs perform this role, but it is a more structured process in the Murri Court because it is part of the bail process that CJGs work with participants to organise their access to CJG-run programs and referrals to third party services. In non-Murri Court locations, referrals to programs and services (whether run by the CJG or others) is just part of the broader role of supporting individuals through the court process and trying to prevent their re-offending.

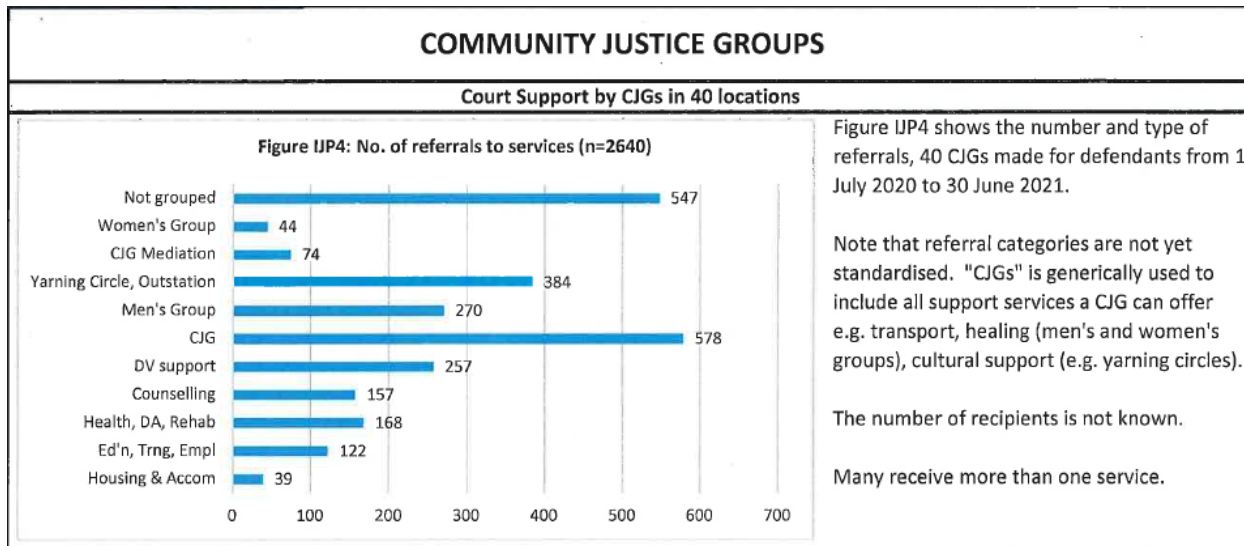
Supporting people to access services is important not only to help them address the issues that may have contributed to their offending behaviour, it may also help them avoid incarceration. A Magistrate explained how the CJG's support for offenders to access services can affect what sentence they receive:

*“Because they're involved in that assistance behind the scenes, [the CJG] can also tell the court what defendants are actually doing to help themselves, what steps they're taking, because they're the ones that take them to all of those appointments and help them arrange it... It [helps the court decide] whether they're a candidate for rehabilitation and whether rehabilitation is something you can give consideration to in sentence as opposed to specific deterrence and denunciation and general deterrence.” (Magistrate)*



**Data about number and type of referrals by CJGs**

CJGs are required to report to the Department on the number and type of referrals made in relation to clients supported in court. Figure 32 provides the breakdown of 2640 referrals made in the course of CJGs providing court support in 2020-21. It shows that the main referral pathway is to refer the defendant to be assisted by the CJG itself (22%). Other pathways are yarning circle/outstation (15%), men’s group (10%) and DV support (10%).



**Figure 31. DJAG data about types of CJG referrals from court**

**Referral pathways used by CJGs**

As Figure 32 illustrates, in trying to facilitate holistic responses to the complex needs of individuals in the court system, CJGs access a very wide range of referral pathways. For example, key referral pathways might include health services, Alcohol and Other Drugs Services (AODS), rehabilitation centres, diversionary centres, mental health or wellbeing services, housing, employment services, Centrelink, women’s shelters, women’s groups, men’s groups, youth programs, DFV programs and services, National Disability Insurance Scheme (NDIS), driver licensing, training providers, and employers.

A Magistrate emphasised that the work that CJGs do directly with clients is as important as the support they provide to the court process:

*“We are getting a lot of information from the Community Justice Group, we get a lot of assistance with the court reports, which are brilliant, they are just such a great resource for us. But as far as I'm aware, our Community Justice Group also do a lot of extra work in the community. So they also do the Murri Court and arrange the Murri Court men's and women's programmes and the meetings with the Elders... But I do know that we seem to have a Community Justice Group that is functioning at a really high level. And because of that, they are actually adding a lot of value to community and community support, which is more than just the front end of what you see in the court. And so ... it seems to me that they're doing a lot of work behind the scenes, actually making a difference to the stability and home life of people in our community and access to domestic violence, resources and things.”*  
 (Magistrate)

A defence lawyer in another CJG location also spoke of the value of this work:

*“So definitely what we've found is really good is having a Community Justice Group that's very proactive in really trying to engage the clients in the programs, actively referring to services that they need or they've identified as maybe possibly being able to support them.” (Defence lawyer)*

In the Murri Court in Brisbane and Richlands, the process of identifying appropriate referrals has become more sophisticated through the use of cognitive and mental health assessments. This is a best practice approach that would be worth emulating to a greater extent in other Murri Court locations. An NGO stakeholder in Rockhampton suggested that there was a greater need for assessments to identify undiagnosed underlying needs such as intellectual disability, Foetal Alcohol Syndrome Disorder and other mental health issues:

*“These are the issues where people are disengaging from school, disengaging from work, disengaging from community. And these are the same issues why it drives them to go drink and do the wrong things.” (NGO stakeholder)*

### **Murri Court programs run by CJGs**

With the additional funding for CJGs, many Murri Courts have opted to establish more ‘yarning circles’, for men and women, so that offenders can attend regular sessions run by CJG members, especially Elders who can provide guidance and culturally-based ‘pastoral care’. In some locations, new yarning circles have struggled to attract sufficient attendance (made more difficult by the COVID-19 situation). In Rockhampton, the CJG has suggested that the court should mandate attendance at these as part of bail conditions. In Brisbane and Richlands, yarning circles have been running for some years. A Magistrate felt that they were very useful interventions and there should be more:

*“The participants talk about getting so much out of the yarning circles, so I'd really like there to be more yarning circles, because now they're only once a month at the moment. Even once every fortnight would be really, really great.” (Magistrate)*

While CJGs face some constraints in the delivery of yarning circle programs, such as competing demands on their time and availability of Elders, the positive feedback from Magistrates should give encouragement to CJGs to prioritise these in their negotiation of Service Agreements with DJAG.

The evaluation was told that one of the advantages of a CJG being auspiced by an Indigenous community organisation is that this facilitates greater access for CJG clients to the other services offered by that organisation. For example, the Pioneer Murri Court Elders Group in Mackay is auspiced by the community-controlled health service. A staff member explained that this enabled a “holistic approach” to their mental health, physical health and spiritual wellbeing:

*“Because we've got at the health centre here now, we've got that NDIS in case the kids need anything. We've got ATODS, we've got social and emotional wellbeing. We've got the mental health support people over there. We've got the men's group that operates out of here every Friday and then the young boys coming to that as well. So they're getting that mentoring.” (CJG staff member)*

Another example is the Richlands CJG, which is auspiced by a local Indigenous community organisation that offers Murri Court participants ready access to a wide range of programs and services.

Another leading practice cited by stakeholders was the integration of Murri Court and DJAG’s Court Link service in Mount Isa. Court Link case managers take referrals of individuals in court to undertake brief interventions as part of a 12 week bail-based program. A Magistrate noted the effectiveness of the relationship: *“The Community Justice Group is working hand in hand with our Court Link officer to try and offer as many diversions and programs as possible.”* Other Murri Courts in locations with Court Link have

also established relationships. This model will be explored further in the Local Evaluation due to be conducted with the Mount Isa CJG in early 2022. .

### **Murri Court referral processes**

In Murri Court locations, stakeholders report a range of challenges for an effective referral system. Information-sharing processes are one of the main difficulties, because the Murri Court process relies on services that see Murri Court clients providing progress reports back to the CJG and the court. In one location, a third-party service provider was concerned that because they did not have a formal referral from the Murri Court/CJG with the client's consent to share information, they were not at liberty to report back to the Murri Court about the client's participation. In this location, another service provider described the referral pathway as *"still a bit patchy"*, with the client's consent for information-sharing unclear. On the other side, some CJGs report that a major difficulty for them is obtaining progress reports from services that have seen Murri Court clients. There appears to be room for improvement for CJGs involved in Murri Courts in negotiating agreements with services around referral pathways and consents to share information. DJAG should consider how CJGs can be supported to improve referral pathways and information-sharing protocols, whether through guidelines, resources or practical assistance.

### **Limited referral pathways in remote and rural communities**

A recurring theme in the evaluation's interviews with stakeholder in remote and rural communities is the lack of referral pathways for CJG clients as a result of either the lack of desperately needed programs or services or the poor level of service responsiveness of current providers. A CJG Coordinator noted that there were only four organisations the CJG could refer to and there was inconsistency of service. An example was Alcohol and Other Drugs Services (AODS), which were delivered very well for only a short period and then discontinued due to staff unavailability:

*"These people were starting to get some help with their alcohol issues, and then it just fizzled out... And, you know, there was five men that I referred [from the court], and I was happy to go with the clinician at the beginning just to break the ice and introduce those men to her. And they were willing... And then I understand why the next time somebody comes out, they become disgruntled, because they haven't received a continuation of services. It just stops and starts all the time."* (CJG Coordinator)

In another location, the CJG Coordinator was concerned that referrals are made to agencies that are funded to deliver services in the community, but there was no follow-up – the service simply was not available. To illustrate the lack of service accessibility, another CJG Coordinator spoke of how he had to phone a 1800 number to help a client contact a service that was based in the same community.

A further barrier to clients accessing services in remote communities is the tendency for some services to be staffed by members from the same local family, which deters other families from attending that service. Clients may be concerned about confidentiality of their information.

CJGs noted that they were often left 'filling the gaps' where services were not available or 'picking up the slack' where existing providers were not delivering a service. For example, CJGs may spend a lot of time transporting clients to services in other locations, or providing direct support to clients with tasks that other organisations are funded to do. A police stakeholder in a remote community observed that the CJG Coordinator appeared to have "quite a large range of jobs to do, and that's simply because there's a lot of those other government agencies, non-government agencies [that] are not actually here in town.

### ***CJGs' role in helping people navigate the service system***

A perennial challenge in the Indigenous community services sector is coordination of the many service providers involved in any given community, and ensuring that community members can access the various services they need through seamless pathways. Hence, for CJGs to successfully work with clients to address their underlying needs there needs to be a level of coordination in the service system and the CJG needs to be well-connected into the system so that it can make appropriate referrals and guide clients through it. This is recognised by the CJG Program Guidelines (and Service Agreements), which require that:

- CJGs running Murri Courts must convene Murri Court Stakeholder Meetings at least quarterly (involving for example, Magistrates, court staff, QPS prosecutors, QCS, ATSILS, Legal Aid Queensland and community services)
- CJGs in other locations must report on their attendance at inter-agency meetings.

A CJG noted that the requirement to have Murri Court stakeholder meetings was a positive measure in the Service Agreement and that the meetings, while difficult to organise, had become a valuable part of the CJG's operations. In the two Murri Court sites visited, Mackay and Rockhampton, these stakeholder meetings are well attended and appear to be valued by the CJG and stakeholders. The evaluation also received positive feedback about the inter-agency involvement of the other CJGs visited for the Local Evaluations. This sample is not representative, however, as the evaluation sought to visit higher-functioning CJGs in Phase 1.

A better indication of performance across the CJG program in the domain of inter-agency relationships is the CJGs self-report ratings in the quarterly performance conversations with CJGs. Most CJGs (12 of 22) who responded, rated themselves as 'confident and capable' in attending inter-agency meetings, while 7 CJGs said they could 'manage with support' and 3 considered that they are 'beginning – with a way to go.'

In all of the five sites visited by the evaluation team in 2021, it was clear from the interviews with the CJGs and stakeholders that CJG coordinators and staff play a vital role in helping community members to navigate the service system. Unlike other services, CJGs are not competing with services for clients and grant funding. The focal point for CJGs is the person – rather than the service or program – and how the CJG can locate assistance to deal with the person's issues or behaviours that have brought them into contact with the justice system. In this regard, they are well placed to act as 'brokers' or 'navigators', seeking out the services that will assist the individual. A lawyer described the role of CJGs as being the link between the court and the services out in the community, by helping clients when they come to court to complete referral forms and make appointments to see service providers: *"So it's just having that extra link in the chain to get them into the door of a service that I've found really, really positive"* (defence lawyer). The example in Box 12 clearly shows how CJGs can play this role effectively.

## Box 12. How CJGs can help connect clients into the service system

---

*“A few years ago... [a DATSIP staff member] got all the [Indigenous] community organisations together in a community reference group, because it's probably the same story in a lot of communities: we've got all these really deadly organisations who do absolutely tremendous work, but they're not linked. They're individual cog teeth on a wheel, where you need all those teeth meshing together to be able to, you know, better provide for community. Because it seems like a lot of organisations just wanted to hold on to whatever clients they could get and they weren't letting them out because that's what the funding is based on – how many people you've got to service within your service. So, you know, everyone wanted to keep the clients and also they didn't want them going anywhere else... So it was getting all these services together, putting that on the table: 'What do you have to offer?'”*

*And this is where I like to use [that reference group] for the Pioneer Murri Court, because now I know everything that's going on in the community. And if there's a tailored need for any of these kids, I can go, 'hey, come on mate, I'm going to go take you to this mob.'... And the great thing is I'm related to most people anyway, so I can say 'hey, let's go see me cousin.'” (CJG member)*

---

The practical role of CJG coordinators borders on case management, although coordinators are not necessarily trained or skilled in this area, nor is this formally their role, as the Program Guidelines only mention *referring* victims and offenders to support and legal services.<sup>48</sup> A few stakeholders noted that the tendency for CJG staff to take on a case manager role for many clients – driven by their dedication to the client's interests or simply to make up for deficiencies in the service system – was a significant risk leading to staff burnout. With the current level of CJG resourcing, and the high level of needs of clients, full case management of their large client base is an unrealistic expectation of CJGs.

A stakeholder noted that one of the CJG coordinators had tried to take on a case management role for participants but this had proven unsustainable so the coordinator had reverted to providing information to the clients and leaving the onus on them to follow up the referral. Another coordinator spoke about having the time to sit down with a client and take them through information about the services available, *“but in terms of follow up, you know, we don't have the staff and I don't want to burn out.”* The CEO of an auspicing body for one of the CJGs suggested that the group really needed more case worker support. In this regard, a stakeholder at one of the Murri Court sites noted that the additional funding for CJG had certainly helped with case management and referrals – with so much staff time taken up with support for the court process, the second staff member had relieved some of these administrative requirements and freed up the CJG team to focus more on referrals for clients to get the support they needed.

Several stakeholders highlighted that CJGs should not be expected to make up for deficiencies in other parts of the service system. The following comment is illustrative of this view:

*“So I just want us to be really realistic about whether CJGs can, in fact, do very much more than deal with the crises that happen at every point [of the justice process]. And I think that we need to... actually send the message that there are a whole bunch of agencies that are involved in the whole journey and have a much stronger role to play around things like prevention, diversion, mental health support and*

---

<sup>48</sup> For CJGs who are to provide Murri Court Support, they are to “pro-actively refer victims and offenders to support and legal services”, and for those contracted to provide Magistrates Court Support, they are, in addition to that, to “facilitate a supported referral process for victims and/or defendants, where needed, to the most appropriate service e.g. drug or alcohol, education, health.”

*so on. And it should not be falling to a single CJG coordinator with a bunch of volunteer Elders and others. Everyone needs to carry the game.” (Government stakeholder)*

#### **4.7.8 CJG court support around DFV matters**

Since the *Not Now, Not Ever* report in 2017, there has been a heightened focus on addressing and preventing DFV in Queensland, and a recognition this is a serious issue in Indigenous communities. In response to this report, funding has been allocated for CJGs in 18 discrete Indigenous communities to implement DFV initiatives, and the Mount Isa, Townsville, Palm Island and Logan CJGs support a Specialist DFV Court. While these initiatives will be the focus of a separate report by the evaluation in May 2022, the evaluation notes that most CJGs in other locations also provide support to a significant number of individuals who attend court for DFV related issues. DFV is not generally a focus for Murri Court, but those CJGs who also provide support to Magistrates Courts have many clients who are appearing for DFV-related offences.

The support that CJGs provide to DFV parties is similar to that provided to other defendants and victims in the courts, as described in the rest of this Part 4.7 – that is, supporting parties to prepare for court, supporting them in the courtroom, making submissions to the court in relation to bail or sentencing, and referring them to services. A legal services stakeholder told the evaluation that a crucial role that the CJG can play in DFV matters is encouraging respondents to turn up to court when DFV orders are being made by a Magistrate so that they understand the conditions of the order and how not to breach it. Many breaches of DV orders occur because respondents do not understand the conditions, or because inappropriate conditions have been imposed in the absence of the respondent.

The evaluation notes that Normanton is not a site where the DFVE funding has been allocated, yet DFV is a significant focus of the Lamberr Wungarch Justice Group at Normanton. The Community-Specific Activity funded at Normanton is for the CJG to work with a new NGO providing a women’s shelter, Normanton Hope, to support women and families at risk of DFV.

### **4.8 OUTPUT – Prevention, education and awareness**

This output relates to CJG activities that are targeted at community members who are not currently in the criminal justice system, and are intended to provide those people with opportunities, guidance, education or awareness that will prevent them coming into contact with the justice system. These CJG outputs target underlying causes of offending at a systemic rather than individual level, such as:

- facilitating education, training and employment opportunities that will provide people with alternative pathways to offending
- addressing alcohol and substance abuse in the community through education, awareness and prevention
- educating young people and promoting community awareness about healthy relationships, DFV, sexual offending, etc
- delivering activities that build self-esteem, confidence and a sense of belonging
- delivering activities that strengthen culture and connection to community
- providing pro-social activities for youth and adults to address boredom and social disconnection that might otherwise lead to offending behaviour

The activity mapping conducted by the evaluation at five CJGs shows that CJG staff on average spend an estimated 20% of their time on these activities (see Figure 18 in Part 4.5). However, this varied widely,

with the Goondiwindi CJG Coordinator spending almost half (46%) his time on prevention activities, while at Rockhampton and Normanton, the CJG staff reported only spending 5% on this.<sup>49</sup>

In the CJG Stakeholder Survey results in Figure 17 in Part 4.4, stakeholders ranked this activity highly in response to the question of the extent to which they believe CJGs are doing these tasks – 50% (67 of 133) of stakeholders thought CJGs were doing ‘a great deal’ of prevention work, while a further 36% (48) thought they were doing it ‘somewhat’.

Further, stakeholders believe that CJGs’ work in the prevention space is highly valuable to communities. Figure 16 shows the proportion of people who thought the following prevention-type activities were ‘extremely valuable’ or ‘very valuable’ to communities included:

- Building up people's cultural belonging – 6<sup>th</sup> of 18
- Working with others in the community to increase safety – 7<sup>th</sup>
- Reconnecting people to culture and to their mob – 8<sup>th</sup>
- Helping families to avoid conflict – 11<sup>th</sup>

#### 4.8.1 Youth focused crime prevention

When CJGs were consulted in a series of workshops in late 2019 about the priorities for the enhanced CJG funding, prevention was at the forefront of their thinking – the report of the event summarised:

“The most common priority was a reduction in overall crime rates through focused efforts on prevention, followed by a reduction in recidivism. Prioritizing the development and delivery of programs focused on the youth in the community was also seen as being very important particularly on providing mentoring opportunities, capability development, and connection to country programs to support the prevention of criminal activities in the first instance.”<sup>50</sup>

Many CJGs are already involved in educating and raising awareness of justice issues amongst school students. The Murri Court Elders group in Mackay report that they visit the school every two to three weeks to talk to students about staying out of the criminal justice system.

While education and awareness are important, the real opportunity that most CJGs have identified is to deliver more targeted programs with youth. Many groups have already chosen to use their ‘community-specific activity’ funding of up to \$81,023 per year to develop youth programs. An excellent example of this is the Whaddup program in Toowoomba.<sup>51</sup> The program is delivered for Aboriginal and Torres Strait Islander youth aged 10-17 every Friday night during school term. Participants are transported to and from the venue by bus. The Program involves Elders, parents and volunteers in promoting social connectedness and connection to country, while reinforcing healthy lifestyle choices and deterring youth from risk taking behaviours.

Another example of a youth program is the country-based Bring our Mob Back (BOMB) program delivered by the Tablelands CJG. The evaluation understands that many other CJGs are delivering on-country programs and camps for youth, including at Wujal Wujal, Mornington Island, Mackay and Thursday Island.

---

<sup>49</sup> Categorising different CJG activities into these domains is subjective, so some variability in reporting on this is to be expected.

<sup>50</sup> KPMG. (2020). *Community Justice Group Consultations: Community Justice Group Service Delivery Blueprint*, p.19.

<sup>51</sup> Whaddup is also partly funded by the Australian Government.

Some CJGs are focused on sport and recreation programs to engage young people, such as a highly regarded boxing program on Thursday Island, and football based programs in various locations. Local Evaluations at many of these sites during the next 12 months will be an opportunity to explore the impact of these programs in depth.

Other CJGs are planning youth crime prevention programs, which sometimes rely on funding from other sources for accommodation or equipment. For example, the Mackay CJG wants to reinstate the Boys to Men program that was run successfully for one year in Mackay a few years ago.

Several CJGs in rural or remote locations are seeking to establish youth drop-in centres, to keep youth off the streets after hours. The CJG at Normanton has been actively pursuing funding options to convert a vacant house for this purpose. The Doomadgee CJG is also looking at converting a house into an Elders centre as a safe space for youth to visit and be with Elders.

Another type of youth program pursued by some CJGs is social events to engage youth and build pride and self-esteem. An example of this is the Mobs Got Talent and Mr and Miss NAIDOC Ball run by the Pioneer Murri Court Elders. Stakeholders interviewed in Mackay commented on how some of the troubled youth they were working with had surprised everyone with their confidence and pride singing in the talent contest or dressing up for the ball. As an Elder explained of the Ball:

*“I look at it as accepting the children into the community rather than leaving them in the background. Before we used to have debutantes – you know, not many Murri families go in for debutantes. This Mr and Ms NAIDOC, it’s a way of showcasing them.” (Mackay Elder)*

A common feature of all these programs is that they provide scope for cultural mentoring by Elders, connection back to country or culture, and pro-social activities for young people who complain of boredom and lack of opportunities. CJGs see them as vehicles for bringing to bear the traditional authority and cultural wisdom of Elders in guiding young people. An NGO stakeholder expressed the view that the core value in the CJG was *“the cultural aspects of what our Elders from the community justice program contributed to our kids and the teaching... just sharing culture, sharing knowledge and also sharing that whole respect.”* A leader in a remote community felt that CJGs provide the cultural guidance and authority that helps people to navigate the modern world:

*“The real role I see for the Elders is... kind of like reaching into the cultural traditions and foundations here, but then like, reaching as far as you can into those high schools and employment networks at the same time... It should never be a choice between those two. Those both things come together.” (CEO, Aboriginal NGO)*

The potential impact of Elders and respected community members from CJGs delivering youth programs is illustrated by the story in Box 13 told by a male CJG member who is in his 30s.

A challenge with CJGs running youth programs that was flagged by some stakeholders is the level of risk and duty of care involved in supervising young people. This risk was highlighted by a recent incident when a sexual assault occurred involving young people under the supervision of a CJG. CJGs will need further support in adopting strategies and policies to assess and manage risks, although as one government stakeholder noted, it will be a balance between having risk management in place and *“not losing the cultural aspect of it.”*

Several stakeholders noted that CJGs were also currently constrained in their ability to develop these preventive youth programs by the strict requirements of their funding agreements in relation to supporting the courts. In one location, a stakeholder observed that the CJG had wanted to develop a



youth program but was told its funding restricted it to focusing on adult courts and not children’s court. A government stakeholder in north Queensland told the evaluation about a CJG that was trying to purchase a bus and establish sport-based youth and family support program, but had not had the opportunity to pursue this:

*“You know, they've got to do their court data. They've got to report against the State funding requirements that don't look outside of that space, which I think causes limitations. And, you know, those people are coming in and out of the system continue to come in and out of the system.”*

### Box 13. A story about the impact of youth programs

*“The Boys to Men program, it did run for a year with great success. We had 45 children within that. The schools engaged us and said: ‘these kids are going to be disengaging from school – we need someone to engage them, some mentors, to steer these kids back on track.’ And a lot of the times with those young kids, we were teaching them how to look at life in that different perspective, you know, because when you’ve been trodden on most of your life, it's hard to look at life like there is a light at the end of the tunnel. So we told these kids to look at things in a different light and also treat people with respect. A lot of the kids, they were disrespecting their teachers and also the kids within the school.*

*The reports that we got within the first two months was amazing. The kids were rocking up to class. They weren't abusing their teachers. They were engaging in school, in the school curriculum, and they were also being better to the other pupils within their school. Of those 45 students, we only see 3 of those kids in the juvenile justice system today. And that program was their last resort – the teachers didn't know what to do, but they didn't want these kids getting wrapped up into the juvenile justice system because as we know, once you're wrapped up into it, you've got an 80 percent chance that you're going to go back into the system and it just becomes a big revolving door for these young children.*

*[But the program] ended up wrapping up, I don't know why, whether it was funding. [COVID-19 had a role]. We have been trying to get another one of those programs up...*

*Because when I was growing up actually there was a program like this – I was in year 10 and they had the ISILP program, the Indigenous School Industry Links Program. It was all about same thing that we'll do with these young kids – we'll teach them cultural knowledge, basic maths and English and taking them out on outings and stuff like that. There was 50 to 60 kids on that program... and a lot of the kids who did participate are becoming influential people within our community, they're business owners or they're teachers, you know, so it had some great outcomes at the end of it.*

*Like, I never realised it until I've grown up how influential it was in my life. You know, it was pretty much school, but, yeah, it was a different kind of school. We had our Elders there as well. All our Elders in the community, they come down to talk to us and, you know, instil knowledge into us so we could become better people.*

*It was that influential program there that got me on track and, you know, made me go, ‘man, yeah, I want to get a job, I want to buy a house, I want to buy a car, I want to do good things in my life’. But also being around those influential Elders, you know, because they had no shame. They were distinguished, you know, I wanted to grow up and be like that.” (CJG member)*

This stakeholder’s comment illustrates the bind for CJGs, who are often too overwhelmed by the need to support the numbers of people coming through the courts to be able to find the time and energy to build the preventive and diversionary programs that might actually reduce those numbers. Yet two decades of directing funding primarily at court support functions for CJGs has not reduced the number of Aboriginal

and Torres Strait Islander people coming through the court system (see Part 1.5). It makes sense for a significant portion of the Program’s funding enhancement to be targeted towards prevention and early intervention, or other points in the cycle (such as rehabilitation or reintegration following incarceration) where the cycle might be broken. The evaluation considers that the Local Evaluations of some of these innovative community-based youth crime prevention programs run by CJGs can make valuable contributions by measuring their impact on reducing contact with the justice system, and making the case for further investment in such programs. This will be a key focus of the next Phase of the evaluation.

#### 4.8.2 Prevention for adults

CJGs have also developed various prevention programs targeting offending in adults. These tend to fall into the following categories:

- men’s groups and women’s groups or ‘yarning circles’, sometimes with a focus on DFV
- training and employment focused programs
- alcohol and substance misuse programs

In the past, given the limited funding available to CJGs, they have tended to partner with other providers of these programs rather than deliver them themselves, although some CJGs have run yarning circles for many years, especially as Murri Court interventions. The recently enhanced funding has provided the opportunity for CJGs to establish new programs for adults using the ‘community-specific activity’ funding stream.

The most common use of this funding has been men’s and women’s groups, often referred to as ‘yarning circles.’ Some of these new groups have struggled in terms of engagement and attendance, with COVID-19 likely to be a contributing factor. However, in many locations these initiatives are viewed very positively. Three Magistrates involved in Murri Courts were very positive about the impact of yarning circles on participants. A few stakeholders in the CJG Stakeholder Survey singled out these initiatives for positive comment:

*“Kowanyama Men's Group have in 3 years been outstanding.” (Stakeholder)*

*“I was impressed by the men's and boy's yarning circle in Cherbourg and heard some positive stories relating to building relationships between fathers and sons, in assisting men to talk about their issues in a safe space, and to provide peer support to men returning to community from prison. I know the yarning circle is run once a week - perhaps this needs to be more frequent - several times a week.” (Stakeholder)*

*“Yarning Circles are effective in educating men about lifestyle changes to minimise re-offending. On-country activities engage men to spend time away from communities when there is trouble between families etc. Men's Group meetings give men in the community opportunity to get together and discuss issues that they may affecting their lives or the local community.” (Stakeholder)*

At Goondiwindi, the CJG coordinator has focused on engaging adults through on-country activities and supporting them into employment. The on-country activities target people already involved in the justice system who need to pay off court fines (see Box 16).

As in the case of youth programs, CJGs perceive men’s and women’s groups and other programs for adults as an opportunity for Elders and respected members to provide positive cultural guidance to community members, strengthen connections and identity and address underlying causes of offending. Men’s and women’s groups can be an effective intervention at all points in the criminal justice cycle, from prevention for people who are not yet in the system, to early intervention for those who are at risk or have been

charged, to rehabilitation and reintegration for those who have been sentenced to community orders or are returning from custody. In the next phases of the evaluation, Myuma will work with CJGs delivering these programs to identify what makes them work (including how to ensure strong participation) and to measure their positive impact. Men’s and women’s groups that have been developed specifically as DFV interventions using the DFV enhancement funding will be explored during the report on that program in May 2022.

## **4.9 OUTPUT – Early intervention and diversion**

This CJG output relates to a range of activities that aim to intervene early in relation to community members who are at risk of deeper contact with the justice system – for example, they may be exhibiting behaviours that are likely to end up in the courts or they may already have been involved in low-level offending that seems likely to escalate. This output involves many of the same types of activities as the prevention, education and awareness output aimed at the general community (discussed in the previous Part 4.8) but is targeted directly toward people who are further down the pathway into the criminal justice system.

### **4.9.1 Current examples of this output**

The main activities that CJGs currently engage in for early intervention and pre-court diversion are:

- mediation and peacekeeping services to resolve disputes before escalation to the justice system
- cautioning youth who are diverted by police
- cautioning adults who are diverted by police
- proactively mentoring or counselling at risk individuals and families
- night patrols to support and divert people (especially youth) from offending behaviour
- Youth Justice Conferencing, which diverts young people from courts
- assistance to individuals to pay off SPER fines, to reinstate drivers’ licences and reduce risk of escalation in the justice system for unlicensed driving or fine default

#### ***Mediation and peacekeeping***

Many CJGs have been involved since the 1990s in intervening to resolve disputes between families or individuals, a role that they often describe as mediation, although it differs from the mainstream forms of mediation offered through Dispute Resolution Centres, courts or other official avenues. This is considered an important early intervention to resolve problems before they escalate into violence or property damage. In the Stakeholder Survey, more than half the respondents rated ‘Helping families avoid conflict’ as a CJG activity that is ‘extremely valuable’ to the community (see Figure 16). Sometimes this merely involves Elders being asked to visit families or public disturbances to keep the peace and sometimes it involves more formal meetings to discuss and resolve disputes.

At Mornington Island and Aurukun, cultural mediation services were developed under DJAG pilot programs during the past decade, involving full-time trained mediators working with local Elders and CJG members. An evaluation of the Aurukun Restorative Justice Project in 2017 found that the mediation project, delivered out of the CJG corporation, was “embraced by the Aurukun community to a remarkable extent, meeting an urgent need and demand of Aurukun families for a peaceful alternative means of resolving inter- and intra- family disputes – conflict that has historically led to high levels of physical

confrontation.”<sup>52</sup> The evaluation found that the mediation model in an Aboriginal community does not necessarily follow the classical 12 step mediation model under mainstream approaches. It borrows from this, but draws also on local cultural practices. Many matters are resolved by mediators working with families using ‘conflict coaching’ and ‘shuttle diplomacy’ rather than formal mediation meetings. A key feature of the success of the model has been the engagement of formally trained external mediators with to work alongside local staff and CJG members, who receive training and development while also bringing their cultural knowledge and expertise to the dispute resolution process. The Aurukun mediation project continues to be funded under the CJG Program.

This evaluation has found that other CJGs continue to be engaged in informal cultural mediation and peacemaking activities. The Local Evaluation at Doomadgee was told about two successful recent cultural mediations conducted by the CJG in partnership with local police:

*“So [the CJG] are there to help try and facilitate disruptions or disturbances, particularly between family groups... Rumours and things like that, if it's not jumped on quickly then a lot of times it will escalate to police involvement, and we can try and divert before the court process starts. Mediation is probably the biggest thing that I've had to do with the Justice Group. Where there are feuding families or something like that, the Justice Group is involved and facilitates mediation between the parties.”*  
*(Police stakeholder)*

In the recent case, a dispute between two girls had drawn in broader family groups, leading to violent conflict. After a few weeks of discussions with the parties, a meeting was held to resolve the matter finally:

*“That little problem [was] going on and on. And we had others grieving too at that time. So we just got together as a Justice Group with the police, called the family members in and had a little meeting and just squashed the problem right there. Everybody's talking to each other now since that time and the problem has been resolved.”* (CJG member)

There is a strong interest amongst CJGs to receive formal training in mediation. In DJAG’s recent Training Needs Survey, this ranked second in priority (after Governance). A significant challenge highlighted in the evaluation of the Aurukun project is that sustainability of the model requires training a wide range of community members and engaging them regularly in mediation. DJAG support for mediation training of CJG members would be a positive step towards CJGs offering sustainable mediation services. CJG members could also be remunerated at mediators’ rates if they were to receive accreditation following the training.

It is also possible for the court to divert matters to cultural mediation and one of the Doomadgee mediations was court-referred. The ideal situation, however, is where the CJG monitors conflict in the community and intervenes early to mediate issues before it even leads to charges being laid. In Aurukun, community members themselves were the main source of referrals to mediation, although police also diverted some matters to mediation.

### **Police diversion to cautioning**

Another form of early intervention is for police to exercise their discretion not to charge an individual but to instead issue a caution. The *Youth Justice Act 1992* legislates for cautions as a “way of diverting a child

---

<sup>52</sup> Limerick & Associates, *Evaluation of the Aurukun Restorative Justice Project: Final Report*, April 2017, p.3

who commits an offence from the courts' criminal justice system" (s.14) and specifically requires police to consider whether there is a respected person available to administer a caution in the case of an Aboriginal or Torres Strait Islander child (s.17). The evaluation heard that this option is used by police at Doomadgee for some youth offending and the police are keen to strengthen this diversion – especially as parents may not be available to be part of the cautioning process.

Cautioning is also an option for adult offenders. A police officer in a remote community told the evaluation that this was something discussed with the local CJG:

*"Sometimes I suppose there's a bit of consultation if a police officer has charged somebody [and] the Community Justice Group officer thinks that maybe there's a better way rather than going to court. So because obviously we can technically do adult cautioning. I suppose there's a little bit of negotiation over whether that'd be a better way of dealing with that matter." (Police officer)*

How to increase diversion to cautioning for low level offences by Indigenous offenders is an issue under consideration by QPS across the State. The following comment from a police stakeholder working in a strategic role is illustrative:

*"My particular interest in it is around the intervention and potentially diversion options. That's big with us at the moment is we're looking at trying to reduce the impact on the justice system across the board now, and particularly with First Nations Peoples and the like with what's out there in regard to pre-court diversions. So there's a little bit there in the court diversion space. But is there anything that's an attractive option in pre-court diversions that the CJGs might be able to become involved in?" (QPS stakeholder)*

### **Diversion to programs and support**

Apart from cautioning, police may also exercise their discretion not to charge someone if there is a suitable program or support that can be provided to deal with the individual's offending behaviour. Box 14 provides an example of diversion to the CJG to address an underlying issue. A police officer noted that the CJG can be very useful in supporting the police to urge an offender to get help with a problem, because police have to be *"a little bit careful about that, because I don't want them thinking they have to do it now because the police have told them so, so I think its kind of better if it comes from the [CJG coordinator], who can either refer them on to some other services or just try to coordinate something for them."*

#### **Box 14. A story about police diversion to the CJG to address underlying issues**

---

*"We have a few people [here] with mental health issues... This one gentleman... we put him in contact with [the Coordinator] there at the Justice Group. And we sort of came to a little bit of an agreement that the charges that we initially preferred... we dropped them or we changed into something much lower, because it was established that he didn't quite understand his medication and therefore wasn't compliant with it. This was affecting his mood and everything. We informed the victim, [and] they were happy to have the charges changed... And then it turned out there was a fairly small fine, but I think a conviction was recorded. The initial charges were quite serious and the Magistrate wanted to make sure that... nothing else further happened, similar [to the incident]. And so the Magistrate was wanting this person to stay on their medication because we can't really enforce that... The gentleman is back on his medication. He is certainly, his attitude in general [has] improved... I think it worked well because I suppose in the last six months the relationship between [the CJG] and the police service has improved quite noticeably. And [the CJG Coordinator] can see that we're willing to work with him on some matters." (QPS Officer)*

---

A strong theme from both Magistrates and police stakeholders was a desire to see more program options for pre-court diversion. It was felt that the enhanced funding for CJGs was an opportunity to explore options for early intervention rather than merely increase the focus on courts. Box 15 illustrates these comments from justice system stakeholders.

### Box 15. Justice system stakeholders' support for early intervention

---

*"I think there needs to be a lot more real rehabilitation opportunities earlier in the process. I'm not seeing that until they come to a therapeutic court, whether it's Court Link or Drug Court or Murri Court, it's not happening and it needs to be tackled earlier. And I see all these criminal histories where they've had all sorts of orders over time – lots of community based orders, probation or parole – and they've received no assistance whatsoever, so they keep offending and going into custody... The sorts of people who are causing problems are the ones who are entrenched in the criminal justice system, and it's only because of mental health issues, poverty and homelessness. So if we could get those things dealt with early, I see numbers of people who might never have offended or certainly would never have gone into custody for offending. Certainly at the beginning is where I'd like to see much more money in. And Community Justice Groups could play a significant role. But they'd need to be supported. They'd need to be managed in a way where, for example, all the services that we've got with Murri Court would be available to them." (Magistrate)*

*"I don't know where the opportunities really lie, I'd have to do a lot more research into it, but I would always think that prevention is far better... putting resources into alternative diversion programs and assistance into helping people with homelessness, with addiction, with family violence, before it's a sentence. It's always far better for a community, so I would have thought that resourcing Community Justice Groups because they are trusted in that role would always be a really good approach." (Magistrate)*

*"I think [CJGs] will continue to do their court work and all that sort of thing, which is great. But from the police point of view, that's sort of the step after where our interest is. I think if we can get some examples of programs or the like or maybe even an attempt to sort of work in that space a little bit more with police, that's where we can engage, even at a higher level, more formally. Because it's a big driver for us – to look outside the criminal justice system for opportunities... We are trying very much to work in this diversion space. And I'm talking more about both in the formal and informal diversion space, about police actually being able to divert to a program in a community." (QPS stakeholder)*

---

CJGs themselves also talk about the importance of intervening earlier through programs that diversion people to get the help they need *before* they end up in court.

*"That's what the Justice Group is really trying to do, is get in early... We're not addressing the root cause of it. We can support people through the court process. And really what I think we're doing is giving them a fair shake, making sure that they know their rights, make sure that they're supported to make an informed decision. But these people that we see going through... they're all there because of something in their past they haven't addressed or they're trying to address in the wrong fashion and they're not getting the support they need in their social setting, their family setting, whatever it is, and so it leads them down the path of criminality... So my standpoint is, punishing these people isn't going to achieve the ends you [want]. You want to rehabilitate, support these people, in the community, before they become a huge burden on the state." (CJG Coordinator)*

### **Restorative Justice Conferencing**

Another diversion option under Queensland youth justice legislation is a Restorative Justice Conference (RJC), sometimes referred to as youth justice conferencing. An RJC is a meeting between a child who has

committed an offence and the people most affected by the offence (such as the victim and the child's family) to discuss the behaviour and how to repair the harm caused to the victim. CJGs have been involved in RJs for many years,<sup>53</sup> and several CJGs (Thursday Island, Normanton, Woorabinda, Doomadgee, Townsville, Kowanyama and NPA) listed this activity in their response to DJAG's Service Mapping of interactions with other agencies (in this case, CJGs work with Youth Justice). Despite the number of CJGs involved in RJC, a government stakeholder expressed the view that in some areas, the use of this option for Indigenous youth and the involvement of CJGs was inadequate and needed strengthening. The Atkinson Report on Youth Justice<sup>54</sup> recommended consideration of other forms of restorative justice to deal more effectively with Aboriginal and Torres Strait Islander children, including family group conferencing, an approach used in New Zealand for many years. There is considerable scope for CJGs to work with youth justice on these sorts of early intervention and diversionary models.

### **Night patrols**

Night patrols involve CJG staff or members walking the streets at night to intervene directly where community members, especially youth, are at high risk of offending.<sup>55</sup> Some CJGs conduct night patrols on an ad hoc basis. The Goondiwindi CJG Coordinator accompanies the Police Liaison Officer on night patrols. The Local Evaluation at Mackay was told that the Murri Court Elders have been successfully conducting a form of 'street beat' at the Cane Lands shopping centre on Thursday nights. This is a time when local Indigenous youth congregate at the shopping centre and their behaviour has previously brought them into contact with police. The CJG believes that this initiative has improved the behaviour of young people and diverted them from offending, a contributing factor to the steep decline in Murri Court appearances in Mackay. The Elders explained that their approach was simply about "being out there" where the children are:

*"Every Thursday night, just being a face there in the shopping centre... We sit down and just yarn with the kids. They sit around in the rotunda across from the shopping centre, and some of them are in big crowds. But we always make sure that we're down there amongst them. You know, if they go through, we walk through the shopping centre too and they know that we're there... And the police, they say that they see the impact on how the kids are reacting and carrying on in there. They know that we're going to be there; if it's not me, it's another Elder that they know... They look at us like grandparents or the big aunties and big uncles. And it's just that respect and knowing that they've got us to turn to – they see our faces in community. We're always somewhere where they are and they always think: 'I'm not going to do anything [bad].'" (Pioneer Murri Court Elder)*

### **Assistance to offenders with SPER debts**

For many Aboriginal and Torres Strait Islander people who end up in prison, their journey in the justice system started with the accumulation of unpaid fines for smaller offences. Unpaid fines are managed by the State Penalties Enforcement Register (SPER). Indigenous people may accumulate SPER debts of many

---

<sup>53</sup> One of the first CJGs, the Palm Island Community Justice Group, trialled 'community conferencing' in the 1997 (Chantrill, P, Community Justice in Indigenous Communities: Prospects for Keeping Young People Out of Detention, Paper presented at the conference Partnerships in Crime Prevention, held in Hobart, 25-27 February 1998).

<sup>54</sup> Atkinson, B, *Report on Youth Justice*, June 2018, recommendation 28, p.57.

<sup>55</sup> Night patrols have a long history in the Northern Territory. In the 1990s, some of the first CJGs established in Queensland conducted only night patrol activities.

thousands of dollars, leading to suspension of their drivers licence, which might affect their employment prospects or lead to unlicensed driving charges.

An effective early intervention by some CJGs is therefore assisting community members to manage their SPER debts. The SPER Hardship Program, introduced in Queensland based on a successful NSW model, now enables community organisations to offer work, training and counselling opportunities for CJGs to pay off their SPER debts. Several CJGs have already taken advantage of this new opportunity to assist community member to pay off SPER debts at the same time as getting them engaged in training or work experience. A successful example of this is the Goondiwindi CJG's Town Common project, profiled in Box 16. While it is difficult to attribute causation to these initiatives, the number of Aboriginal and Torres Strait Islander people appearing in the Goondiwindi court has fallen considerably in the past year.

### Box 16. Goondiwindi Town Common Project

*"The Goondiwindi Town Common project involves the CJG coordinator working with local Aboriginal and Torres Strait Islander people who are subject to fines clearing and rejuvenating the Town Common and removing noxious weeds. Under the SPER Hardship Program, participants can pay off their State Penalties Enforcement Register (SPER) debts at an hourly rate by participating in a Work and Development Order. The CJG has registered as a SPER Hardship Partner to supervise these orders.*

*Stakeholders have reported that clients of the CJG who have been helping clear the land have been taking their families to the common and meeting the CJG coordinator there for a cup of tea and a yarn. Some people have come back to participate as volunteers, every after they have paid off their SPER debts. The project has connected people to country and provided them with a space of their own.*

*The CJG Coordinator explained its impact as follows: "We payed back quite a significant amount of money and stopped a lot of licenses from being lost. So that's been huge." The CJG believes that providing meaningful activities such as the Town Common project and assisting people to access opportunities such as training and employment has contributed to less re-offending: "So in the beginning, we had anywhere from 20 to 30 Aboriginal people in court. The range of offences was from drink driving to domestic violence to general nuisance charges, just trespass and things that don't even warrant a court case. So over the past twelve months, I've mitigated a lot of the issues that we've had as far as trespass goes and that there was just nothing here to do... I put into place the Town Common Project, which has been very successful. We've cleared up 180 acres. We've lowered reoffending to, at the moment, there's probably four on the court list."*

#### 4.9.2 Opportunities for enhancing the early intervention and diversion output

The examples in this Part show that CJGs are already active in many early intervention and pre-court diversion activities and that many see significant opportunities in this space. Significantly, justice system stakeholders such as Magistrates, police and defence lawyers also see this as a crucial impact point for CJGs to reduce the number of Aboriginal and Torres Strait Islander people entering custody.

A few stakeholders saw early intervention as getting back to the authentic cultural role of Elders and CJGs, who they felt had been instrumentalised for other purposes, such as advising on Alcohol Management Plans (AMPs) or administering court processes. Underpinning all the early intervention options is the involvement of Elders and respected persons in providing cultural leadership, guidance and support to community members at risk of deeper involvement with the criminal justice system. An Aboriginal leader from Doomadgee expressed the view that this was the proper role for Elders, not AMPs and court support:

*"It's a group of Elders there for a purpose. In our culture, they should be there for teaching, for passing information, and teaching the young ones about cultural tradition, about what does it*



*mean to be an Aboriginal person from Doomadgee. And I sometimes think we use them for the wrong purposes, and government. I think it's started with AMP, using them to mandate an alcohol policy. It was not the right body to use... And we still seem to be doing it. For me, they're not about that, they're there to bring community together. Everyone should have respect for those old people... We shouldn't go against the grain of what Elders really stand for. We shouldn't be trying to, to add those extra responsibilities onto them. Let them be able to do what they're supposed to be there for. They're in our system of life and death for a reason. And we need to focus on that reason. Stop putting extra things onto them that don't belong to them.” (Aboriginal leader, Doomadgee)*

The aspiration of CJGs to be delivering more youth programs, discussed in Part [4.8.1](#), reflects this desire to make cultural guidance the central role of CJGs. Many of the youth-focused prevention programs discussed in Part 4.8.1 could equally be used as early intervention or diversion options for at risk individuals. In addition, there appears to be strong support from stakeholders for CJGs to develop and implement more adult-focused early intervention programs and services, such as cultural mediation, adult cautioning and diversionary programs for issues such as DFV or alcohol and substance abuse. The recent CJG funding enhancements offer some opportunities for further developing such options but will not extend to a substantial expansion of CJG outputs at this point in time. This is an area where partnerships and investments by other government agencies will be crucial to realise the opportunities for diverting people from the criminal justice system.

## 4.10 OUTPUT – In custody and under supervision

### 4.10.1 Introduction

The first three CJGs in Queensland (at Palm Island, Kowanyama and Pormpuraaw) were piloted by Queensland Corrective Services Commission in 1992 and one of their core roles was to supervise Indigenous offenders on community service orders. In fact, breaches of community service orders at Palm Island were managed by the Palm Island Justice Group in a way that saw a significant decline in breaches coming before the court.<sup>56</sup> Since that time, CJGs in different locations have had varying degrees of involvement in both the adult and youth custodial and community corrections systems.

The CJG Stakeholder Survey shows that stakeholders believe the CJGs’ work with people in custody or under supervision is highly valuable to the community (see Figures 15 and 16 in Part [4.3](#)). For example, 46% of stakeholders said that ‘Supporting people in custody’ is ‘extremely valuable’ to the community, while a further 26% said it was ‘very valuable’. This was ranked 12<sup>th</sup> of 18 activities by CJGs rated as ‘extremely or very valuable’. Also, 47% of stakeholders said that ‘Helping people to follow court orders’ is ‘extremely valuable’ to the community (ranked 4<sup>th</sup>).

The extent to which a CJG is actively involved in this output area is determined by a range of factors, including the group’s interest or priority on correctional activities, the Coordinator’s knowledge of the system, and the CJG’s relationship with correctional authorities. The five CJGs that participated in the Local Evaluations in 2021 did not report high levels of activity in relation to this output. As indicated in Figure 18 in Part [4.5](#), CJG staff estimated that over the past month, they had only spent 2% of their time on supporting people in custody or under supervision. The highest numbers were for Mackay (4%), where the Coordinator liaises with the youth detention facility, and Normanton (5%), where the Coordinator is

---

<sup>56</sup> Chantrill, 1998, p.12.

involved in supervising community service activities. Nevertheless, there are other locations where CJGs have much higher involvement in this space – this Part will summarise some of the areas where CJGs play a role with custodial and community corrections. On the other hand, 24% of respondents who said they had been helped by the CJG said that the help had included ‘was visited in watchhouse, prison or detention’ (see Figure 21 in Part 4.5)

#### 4.10.2 Current level of CJG involvement where people are in custody

Aboriginal and Torres Strait Islander people can be in custody in police watchhouses or youth detention centres or adult prisons. Involvement of CJGs in supporting people in watchhouses varies across the State. In larger centres such as Brisbane, Cairns, Rockhampton, Townsville, and Mount Isa, dedicated ‘cell visitor’ programs are funded for this role. However, in smaller communities (such as Doomadgee), CJGs often perform the role of visiting community members in watchhouses.

Many CJGs conduct regular visits to youth detention centres. For example, the Pioneer Murri Court Elders were visiting Cleveland Youth Detention Centre (CYDC) in Townsville every two to three months prior to COVID restrictions. The Townsville and Cairns CJGs also regularly visit. These visits involve not only contact with Indigenous children but also liaison and collaboration with the staff of youth detention centre cultural unit. The coordinator from Mackay joins the CYDC cultural unit’s meetings by videoconference every Thursday. CJGs from remote communities also occasionally travel to urban centres to visit youth detention centres.

Similarly, many CJGs, including those from remote locations, periodically visit adult correctional centres. Data are not available about the frequency of these visits, but as funding has been a major constraint in the past, the visits are likely to have increased with the enhanced CJG budgets. A stakeholder from QCS attested to the positive impact of these visits:

*“I just think that [CJGs] are very much underrated for what they undertake. You know, if you look at the Community Justice Groups that go into the [correctional] centres. In the lead up to them going in – the Elder visits – the behaviour in the centre’s good. Whilst they’re there, the behaviour’s really good. For a couple of weeks after they’ve been there, the behaviour’s good. So surely from a QCS point of view, you can say... those Elders can actually control the behaviour and make it a safer environment for QCS staff and prisoners. So, you know, it’s those unseen things that hold great value as well.” (QCS officer)*

In addition to prison visits, CJGs provide other forms of support to individuals who are in custody. For example, in many locations, they assist families to video-conference with family members in custody. QCS custodial staff draw on CJGs to support prisoners who with grieving sessions. Where prisoners are unable to return home for funerals, CJGs have helped by livestreaming funeral proceedings.

Some CJGs also assist QCS and the Parole Board by participating on panels for Show Cause proceedings and parole applications.

#### 4.10.3 Current level of CJG involvement where people are under supervision in the community

Local practices vary, but CJGs may be involved in community supervision through working with Probation and Parole (P&P) or youth justice authorities, or directly supervising community service. Local P&P staff are a key point of contact for CJGs for this work. Based on the Department’s quarterly performance conversations with CJGs in 2021, 57% of CJGs were considered ‘confident and capable’ in their engagement with Probation & Parole, 24% were ‘manage with support’ and 19% were ‘beginning - way to go’.

Some CJGs supervise local community members on community service orders. This is more common in remote areas, where there may be few other options for projects for people to complete their community service hours. For example, at Normanton, people work on the CJG’s garden project. The Coordinator also has a proposal for a project at the cemetery, but funding is not available for the works proposed.

Examples of strong partnerships between CJGs and local P&P staff include:

- In Rockhampton, the CJG Coordinator and the local QCS manager have forged a very strong partnership with a view to the CJG Elders working more with P&P staff to provide cultural mentoring to people under supervision.
- In some locations (for example, Caboolture and Toowoomba), P&P orders may include attendance at CJG yarning circles as the method of reporting.
- In St George, the CJG helps people report using videoconferencing.

QCS stakeholders acknowledged the considerable support that CJGs provide in some locations:

*“There is a really good relationship from what I’ve seen feedback wise from the field, where the CJGs are actually helping us out in countless ways, whether it be from helping us get in touch with people and find people – because they obviously want to help them get through their order successfully and so do we – to even coming into our office with individuals on orders and helping us to better provide our services to them, through a bit of education or just some insight into how we can [help them].”*  
 (QCS stakeholder)

*“It’s absolutely a very valuable service [provided by CJGs]. Like it provides an extreme amount of benefit to our officers.”* (QCS stakeholder)

There is significant variability in the extent of CJG engagement with local P&P offices. This is greatly dependent on the local relationships between the P&P staff and the CJG Coordinator and members. For example, in one of the remote communities Myuma visited, there was a strong relationship between the CJG and P&P, whereas in the other, the relationship was almost non-existent and the local P&P staff were considered difficult to get in contact with. A QCS stakeholder noted that relationships between CJGs and local P&P staff are *“a bit sort of lumpy and bumpy, I think, depending on where and who is in the (QCS) role... it’s all relational.”* The stakeholder noted that this can be a bit frustrating because there is a risk of losing momentum when people move on. It was suggested that government needed *“to get a lot better about how we partner and how we can actually have a bit more sustainability rather than just kind of expecting people perhaps to constantly adjust to new people coming in and starting from scratch all the time.”*

The same issue arises with CJG collaboration with Youth Justice (YJ) to support youth on community orders – this is dependent on local relationships between staff and CJGs. The CJG at Goondiwindi is frustrated that YJ does not visit the town in person apart from on court days. By contrast, the Murri Court Elders in Mackay work closely with YJ to support youth on Conditional Release Orders and other forms of community supervision. A successful example of this is the story of a former offender told in Part [6.3.3](#).

#### 4.10.4 Discussion

The examples of strong collaboration in some locations demonstrate the value of CJGs working with correctional authorities to support people under community supervision. Reported benefits are that individuals understand their orders better, are less likely to breach the conditions (especially reporting) if they are supported by CJGs, and may benefit from the involvement of Elders and respected persons in providing guidance and cultural support. QCS staff will also benefit from CJGs’ cultural advice in

supervising people on orders, in the same way that court stakeholders benefit from CJGs' cultural advice. In further Local Evaluations, Myuma will investigate the impacts of these collaborations in terms of tangible outcomes such as increased completion of orders and fewer breaches leading to imprisonment.

The patchiness of the local relationships reveals there is work to be done both on the CJG side and the QCS and YJ side. QCS and YJ should consider how to partner better with CJGs, and CJGs will need more training about correctional matters. The evaluation notes that in some locations QCS has taken the initiative to deliver such training to CJGs.

## 4.11 OUTPUT – Transition to community and reintegration

### 4.11.1 Current CJG involvement

The Stakeholder Survey shows that stakeholders believe CJGs can play a valuable role in reintegrating people following release from custody. Figure 15 in Part 4.3 indicates that 46% (60 of 130) of stakeholders said that 'Helping people coming back into community after custody' is 'extremely valuable' to the community, while a further 30% said it was 'very valuable'. This was ranked 15<sup>th</sup> of 18 activities by CJGs rated as 'extremely or very valuable' (Figure 16). This was also an activity that had one of the highest numbers of responses of 'don't know' (11%), suggesting that CJGs' work in this space may be less visible. This is confirmed by stakeholders' response to the question about whether they believe CJGs are doing certain tasks – out of the 7 areas listed, 16% said they didn't know whether CJGs were doing tasks in relation to 'Return to Community (from custody)'. However, 42% did believe CJGs were doing 'a great deal' of work in this area.

The activity mapping for the Local Evaluations in Phase 1 of the evaluation indicated that the CJG staff in four of the five locations spent no time at all on prisoner reintegration matters in the past 4 weeks, and only the Goondiwindi coordinator reported spending some time on this (only a few hours in the past month). For the two locations where CJG members estimated their time allocation, Doomadgee members spent 1 day per month (5%) and Rockhampton members spent no time. The evaluation is aware from other program data, however, that in several locations, CJGs spend considerable time supporting community members returning from custody with reintegrating back into the community. For example, in response to the CJG stakeholder survey question about what CJGs do well, several stakeholders mentioned support for returning prisoners. In DJAG's Service Mapping with CJGs, Mount Isa and Thursday Island CJGs both reported doing significant work in this area.

In an evaluation workshop with the Doomadgee CJG, the coordinator and members identified reintegration as one of the two priority areas where it would like to do more (along with early intervention). In previous times, the Doomadgee CJG was actively involved in linking returned prisoners to employment opportunities in mining, station work and the army. Like many other CJGs, the Elders at Doomadgee are concerned about the very high rate of return to prison by people released from custody.<sup>57</sup>

In many locations, CJGs play a role in advising corrections authorities about whether a person released from custody can return to their home community. A QCS officer explained:

*"The other thing we use [CJGs] for is if someone's returning to community. Not everyone's welcome back in those communities, as you know, depending on what their offence is. So we always run it past the Justice Group to see whether that person is allowed to go back into that community. And often,*

<sup>57</sup> At 30 June 2020, there were 32 people from Doomadgee in prison and 78.1% had previously been imprisoned (DSDSATSIP, *Statshot Profile – Doomadgee*, September 2021).

*you know, that level of forgiveness hasn't happened yet. They want to go back there, but [it just can't happen] right now.” (QCS officer)*

In 2021, the Parole Board of Queensland (PBQ) has been piloting a new project to involve CJGs in providing advice about release of prisoners, called Culturally Engaged Release for Indigenous Parolees (CERIP). It involves CJGs providing a report to the PBQ, similar to the cultural reports provided to courts. The evaluation will explore CJGs’ participation in this initiative in Phase 2, and it is understood PBQ will also evaluate the project.

In the past, CJGs have supported ‘halfway house’ facilities for returning prisoners in locations near discrete communities. For example, from the mid-1990s to early 2000s, QCS supported outstations near Aurukun, Pormpuraaw and Palm Island where returning prisoners could serve out the last part of their sentence.<sup>58</sup> Some CJGs, in both remote and more urban locations, are still lobbying for halfway houses to accommodate and support adults or young people returning from custody. It is worth noting that one of nine findings of the COAG Prison to Work report in 2016 was that ‘there is insufficient stable accommodation, including transitional housing.’<sup>59</sup> The Normanton and Cloncurry CJGs have been seeking support for a facility to accommodate adults returning from prison. A response by the Cloncurry CJG to a recent DJAG was: *“We need local resources to support DFV and to reintegrate incarcerated people back into our community with support of beds, roof over their head, they just come back to the same old things and repeat the cycle over again.”* The Mackay CJG has been lobbying for a facility for youth. The Goondiwindi CJG Coordinator has proposed a camp facility at Milmerran for young people returning from youth detention.

#### 4.11.2 Future possibilities

There is considerable scope, and an apparent interest, for CJGs to be more involved in transition to community and reintegration initiatives. For example, there are various funded initiatives around the State targeting prisoner reintegration for Indigenous people, which are good candidates for greater CJG participation:

- The Aurukun Justice Reintegration Project, which has run since 2016. A recent evaluation explored whether the CJG could play a greater role in the Project, by managing a Community Reintegration Support Team comprised of a pool of Elders and interested community members (including reformed prisoners) paid on a casual basis to mentor and support people returning from custody, in partnership with QCS staff.
- The Australian Government has recently funded a prisoner reintegration program for Doomadgee and Mornington Island, which will start in late 2021. The organisation running this program, North West Remote Health, is keen to collaborate with CJGs in these locations.

In government policy circles, there has been a renewed focus on reintegration and recidivism initiatives in recent years,<sup>60</sup> sharpened by the new Closing the Gap targets on reducing incarceration of Indigenous adults and children. There is likely to be increased investment in these areas as the State and

---

<sup>58</sup> The Palm Island centre was named after Kitchener Bligh, a respected Elder and member of the Palm Island justice group (Chantrill, 1998).

<sup>59</sup> COAG, *Transition to Work Report*, 2016.

<sup>60</sup> For example, see Queensland Productivity Commission, *Inquiry into imprisonment and recidivism*, 2019 and COAG, *Prison to Work Report*, 2016.

Commonwealth Governments pursue these new targets. CJGs can be a crucial partner in the success of such initiatives, as they bring local knowledge, connections, cultural insights and a passion for the cause, which are central requirements of any successful reintegration program. While many CJGs are currently focused on opportunities to increase their impact through working more in the prevention and early intervention/diversion domains (especially with youth), three advantages of also targeting efforts at reintegration are first, that correctional orders create leverage for offenders to engage with CJGs, and second, the impacts of recidivism projects can be more easily measured than prevention or early intervention projects, and third, the business case for investment in reintegration projects is strong given the considerable costs that can be avoided by reducing incarceration. In Phases 2 and 3, the evaluation will be documenting current successful CJG efforts in the area of reintegration, to enable CJGs and government to consider how to scale up models that work.

#### **4.12 OUTPUT – Community support, advocacy and access to social justice**

While the core funded output for DJAG’s CJG Program has traditionally been support for Aboriginal and Torres Strait Islander people in the criminal justice system, in practice a strong feature of CJGs’ everyday work has always been supporting community members’ rights and addressing their needs in areas *outside* the criminal justice system. This is a different sense of ‘justice’ in the work of Community Justice Groups, because it relates to ‘social justice’ – the concept that all people should be treated fairly and have equal rights and opportunities in all areas of society, such as health, education, housing, employment and social support.

Much of this work could also be considered crime prevention, because helping people live stable lives where their critical needs are met will obviously reduce the risk of them coming into contact with the justice system. In Part 4.8, the evaluation has documented the crime prevention outputs of CJGs in addressing some of the specific and well-known risk factors for Indigenous participation in the justice system. This Part considers the much broader work of CJGs in advocating for, and providing practical support for, Indigenous community members to access social justice.

This work falls into two categories: broader advocacy and representation for the entire community’s interests, and support provided at the individual level.

##### ***Advocacy and representation for the community***

The structure of any CJG is intended to be based around Elders or respected persons representative of the different family groups in the particular Indigenous community. In discrete communities, broad-based representation is formalised in legislation (see Part 3.12 and 5.10). Because of their representativeness and their traditional authority base, CJGs have often been seen as important advocacy and leadership bodies for their communities, beyond their funded role in the justice system. In the CJG stakeholder survey, when asked what CJGs do well, some CJG and NGO respondents highlighted their advocacy role. For example, a CJG respondent mentioned “*supporting communities and advocating on their behalf in other areas beside court*” while an NGO respondent pointed to “*Advocating for First Nations People.*”

Some CJGs proactively lobby governments about issues of concern raised by the community. For example, a CJG organisation told the evaluation about its efforts to ensure Aboriginal medical services were informed when a community member is placed in a police watchhouse, which was a recommendation of the Royal Commission into Aboriginal Deaths in Custody.

There are currently several strategic directions being implemented by government in Indigenous communities that are drawing on CJGs’ advocacy role. The Queensland Government’s ‘Local Thriving Communities’ (LTC) reforms aim to “ensure Aboriginal and Torres Strait Islander peoples have greater

decision-making authority in regard to service delivery and economic development for the state's 19 remote and discrete Aboriginal and Torres Strait Islander communities".<sup>61</sup> In remote communities, the Queensland Government has been working with local leaders on community decision-making structures, which invariably include CJGs or their Elder members. In urban communities, Government is starting to explore community decision-making structures under the LTC reforms, which also involve Elders from CJGs.

The Queensland Government's Youth Justice and Child Protection agencies are also pivoting to service delivery models that emphasise 'locally-led decision-making' and 'family-led decision-making'. Some stakeholders noted that these processes often involve CJGs, or at least Elders who are members of CJGs.

At the same time, the Australian Government is funding Cape York Partnerships to work on the 'Pama Futures' initiative in Cape York, which also aims to put greater authority in the hands of local decision-makers. A stakeholder noted that "*Pama Futures have really honed in to the Justice Groups and seeing them as the alliance groups for the community, so it has put a lot of extra work on these volunteers.*" In DJAG service mapping with CJGs, a Cape York CJG coordinator confirmed that Pama Futures had prompted discussion about additional roles for the CJG and the group was "*encountering planning and consultation fatigue.*"

Under the Framework for Stronger CJGs, the expectations on CJGs – from both their communities and governments – to represent community interests and be involved in community governance structures and processes is likely to increase. This form of community advocacy will be welcomed by many CJGs as consistent with their overarching vision of promoting self-determination and giving a greater voice to the Indigenous community. Nevertheless, it will have resourcing implications that will need to be managed carefully by CJGs and the CJG Program.

### **Support to individuals**

At the individual level, social justice advocacy work by CJGs involves direct, practical support to community members to help them access services and opportunities and address their needs. For an individual who is before the courts or being released from custody, a CJG's assistance with a range of social needs is a natural part of their role in supporting people through the criminal justice process. However, in reality, many of the people assisted by CJGs to access a range of 'social justice' outcomes are not currently involved in the justice system – they are simply in need and have turned to the CJG for assistance. The types of social justice activities mentioned by CJGs are listed in Box 17. A recent example that involved considerable work for CJGs was assisting people with reparations settlements for a class action for stolen

---

<sup>61</sup> See <https://www.dsdsatsip.qld.gov.au/our-work/aboriginal-torres-strait-islander-partnerships/reconciliation-tracks-treaty/tracks-treaty/local-thriving-communities>

wages. The Normanton CJG reported assisting community members with over 100 applications and the Lockhart River CJG reported assisting with over 80 applications.

**Box 17. Examples of social justice advocacy and support work by CJGs (not justice system-related)**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Applications to Registry of Births, Deaths and Marriages</li> <li>• Taxation enquiries</li> <li>• Helping people complete Census</li> <li>• Applications for Blue Cards</li> <li>• Office of Fair Trading/consumer rights issues</li> <li>• Public Trustee issues</li> <li>• Public Guardian issues</li> <li>• Private banking enquiries</li> <li>• Superannuation issues</li> <li>• Civil debt disputes (car loans, phone bills etc)</li> <li>• Private law firm liaison – e.g. insurance matters</li> </ul> | <ul style="list-style-type: none"> <li>• Centrelink enquiries, including emergency payments and debt resolution</li> <li>• Public housing issues</li> <li>• Witnessing documents (JP services)</li> <li>• Administrative Appeal Tribunal appeals</li> <li>• Reparation payments for ‘stolen wages’</li> <li>• Driver licensing and vehicle registration issues</li> <li>• Helping people understand official correspondence</li> <li>• Local Community IDs needed for subsidised airfares</li> <li>• National Disability Insurance Scheme (NDIS)</li> <li>• Employment services enquiries</li> </ul> |
|--|--|

Another example of advocacy cited by a CJG was assisting an elderly woman who was being moved out of an uninhabitable house. The agency involved had not found an alternative house for her and had not talked to her about the eviction. The CJG advocated on her behalf: *“So that’s advocacy, a good day, we got her a new house. We stand up for people, whether that’s with police or departments”* (CJG Coordinator). Again, this community member was not involved in the justice system, but the CJG saw assisting her as a legitimate role for the CJG.

The Mackay CJG assists young people with accessing NDIS support – some are in the Murri Court process and therefore clients of the CJG, but some are not. If the CJG Coordinator identifies a potential issue for a young person, she assists them to make an appointment to be assessed. Many issues for young people go untreated: *“You know, there’s things that young people hide – we got that young fellow that comes into court, he’s deaf, but he’s shamed for wearing them hearing aids.”* A CJG coordinator from a remote community also emphasised this issue: *“They don’t assess them, half of these kids should be on NDIS. They have burst ear drums, their eyesight is no good... You can see it when the behaviours become so bad that the State is stepping in to address it. They are all from past traumatic events in their lives that they haven’t dealt with, that aren’t being dealt with through the social system.”* This feedback reinforces the importance of the Brisbane and Richlands Murri Courts’ innovation in ensuring all participants are professionally assessed as part of the intake process.

CJGs also provide support to individuals in relation to organising and attending funerals. As community organisations made up of Elders and respected community leaders, cultural matters such as ‘sorry business’ are seen as core business for CJGs. A Coordinator in a remote community spoke of how frequent sorry business is and how *“the Justice group’s probably quite overrun by the needs that the families often have at that time.”* For example, CJGs may assist with organising transport for people to travel to funerals.



Transport is one of the most significant practical contributions that CJGs make in assisting community members to access services. A survey of Murri Court participants found that transport was the most frequently cited barrier for people accessing services.<sup>62</sup>

The scale of CJG output in supporting community members not involved in the justice system with access to social justice is substantial. For example, in response to a service mapping survey by DJAG in September 2021, one CJG coordinator from a remote community listed a wide range of matters from the list in Box 17 and estimated the time commitment as follows:

*“We estimate the totality of these unpaid client driven enquiries to equate to approx. 40 hours per week of activities that don't fall within our DJAG funded activities. The coordinator works on average a 10-hour day in response to both our funded and non-funded services. The coordinators standard working week is meant to be 38 hours per week, the coordinator ends up working twice that (70-90 sometimes) in response to unpaid client driven enquiries for social and justice services.”  
 (CJG Coordinator)*

Three other CJGs estimated that they spent 15 hours, 20-25 hours and 30 hours per week respectively on these client-driven activities.

In the five Local Evaluation sites for Phase 1 of the evaluation, Myuma evaluators undertook activity mapping with the CJG staff and members to understand how much time they spent on various CJG activities. The results, as set out in Figures 18 and 19 in Part 4.5, show that ‘Community support and access to social justice’ – defined as miscellaneous support to community members not currently involved in the justice system – accounts for on average, 11% of CJG staff time and 3% of CJG members’ time. Notably, this differs across locations, with the CJG in the remote community of Normanton indicating 20% of their time is spent on community support, while this is 0% in the regional centre of Rockhampton.

CJGs describe this work as ‘client-driven’, because it generally emanates from community members coming into the CJG office and requesting help. The reasons why people approach CJGs for this support deserve further consideration. A simple explanation is that in many locations there are simply no alternatives. As a Magistrate who has worked in Cape York said, *“where else can these people go and find someone that's willing to sit with them and sort out whatever mess they're in?”* A CJG Coordinator responding to DJAG’s service mapping survey explained that *“we receive many client driven enquiries that are influenced by limited agency presence on the ground”*. A Myuma team member reported at one of the evaluation sites:

*“[The CJG Coordinator] and I decided to spend one day going around agencies who are supposed to be assisting. And every place we went to, the doors were locked, there was nobody inside. So that in itself, surprised me, but I was [also] thinking to myself ‘well, if I was a person in need in a really distressed state, where would that leave me?’” (Evaluation team member)*

Even where agencies are located in an Indigenous community, community members may prefer to go to the CJG for assistance because the agency may not be engaging in a culturally appropriate way:

*“[T]he CJG is approached for service or assistance, instead of other agencies that have the inherent responsibility, because we are seen to be both more reliable and culturally appropriate. Some agency representatives ‘talk rough’ to individuals which can result in service or agency disconnection, creating*

---

<sup>62</sup> Outpost Consulting, *Analysis of the needs and circumstances of Aboriginal and Torres Strait Islander participants (Murri Court)*, June 2020.

*service gaps that the CJG is often asked to fill or inevitably fills... People come to the CJG instead because they know we won't make them feel bad through a more culturally appropriate and sensitive engagement style.” (CJG Coordinator)*

In an urban or regional centre, Indigenous community members are likely to have access to a multitude of services that could assist them, including other Indigenous community organisations, so the demands on CJGs are likely to be less, although can still be significant. The fact that the Pioneer Murri Court Elders in Mackay report spending 10% of staff time on this work reveals that even CJGs in regional cities face these demands for service.

Myuma’s community surveys in four locations provide some indication of how community members perceive the quality of the CJGs’ support in areas other than going to court. As discussed in Part 4.5, respondents were asked what sort of things they received the CJGs’ help with. The results in Figure 21 show that 33% of respondents received help with transport, 27% received help with paperwork (not justice related), and 24% got help to access a service. Figure 22 shows that many people received help from the CJG on multiple occasions (22% were assisted more than 5 times, and 44% were assisted 2 to 5 times). The survey revealed that people had a high level of satisfaction with the help they received (60% ‘very happy’ and 50% ‘happy’). Illustrative of the positive feedback about CJGs were comments like: *“If you ask a question you get immediate help and support”*; *“The members I have spoken to are always passionate about helping the community & trying to empower them in any way they can.”*

### **Discussion**

The evidence from the evaluation shows that a significant amount of CJGs’ time is invested in advocating community interests and facilitating access to social justice for individual community members. This work occurs across a range of domains not directly connected to the criminal justice system, although many of the clients supported may previously have been involved in the justice system or be at risk of becoming involved. Where assistance to access services is provided to community members who are not involved in the justice system or at high risk of becoming involved in the justice system, the CJGs’ delivery of this output to community members is not recognised either in the CJG Program Guidelines or in CJGs’ Service Agreements. CJGs appear to be conscious that this output is not part of their core funded work, as illustrated by the Coordinator cited earlier describing this work as “unpaid client driven enquiries”.

The difficulty that this situation presents for both the Department and CJGs is that the Program Guidelines do not current align with the reality of what CJGs are delivering in practice, partly with the funding although partly in their own unfunded time. The Program Guidelines do not recognise the output discussed in this section, which is about providing a wide range of assistance to community members not involved in the justice system. The Program Guidelines are focused on the core funded outputs of CJGs in providing support within the court process. The Program Guidelines do acknowledge that “each community has different needs and issues in relation to reducing crime and engagement with the criminal justice system” and therefore “each CJG may engage in local variations of the program in order to deliver the following key tasks in a way that meets the needs of individuals, families and their community.” The “key tasks”, however, are purely related to the criminal justice system.

DJAG has struggled with this quandary for over a decade, with the limited budget requiring some ‘ringfencing’ of the program to a set of core outputs that are considered realistic, but at the same time being aware that CJGs are providing services in a whole range of areas that are beyond these core outputs. The concern with recognising broader outputs in the Program Guidelines and Service Agreements is that this would create an expectation that CJGs have to deliver an unsustainable range of outputs.

The recent enhanced CJG funding, on the face of it, offers an opportunity for funding arrangements to align more with the reality of the broader scope of what CJGs are choosing to deliver beyond court-related services. The Stronger CJGs Framework has broadened the conception of the CJG service model to the wider justice system spectrum, including education, awareness, prevention and early intervention activities that are not so directly connected to the criminal justice system. The Program Guidelines do not yet recognise the broader elements of this refocused service model. The Service Agreements themselves have started to incorporate the broader elements, mostly in the form of the place-based negotiation of the Community Specific Activities (CSAs), which are diverse and flexible in nature. There is some work to do to bring the Program Guidelines into alignment with the new directions in the Framework and the approach taken to CSAs in the individual Service Agreements.

The question remains what to do with the category of CJG activities (described under this output as ‘community support, advocacy and access to social justice’) that are beyond even the broader CJG service model in the Stronger CJGs Framework. If the view were to be taken that they are not part of the funded CJG program, this would not affect the reality that many CJGs will continue to respond to unmet needs of community members not involved in the justice system. If this output was to be recognised in the Program Guidelines and the Service Agreements, a risk would be diluting the CJGs’ focus on activities more directly related to criminal justice, or creating an unsustainable scope of outputs for CJGs. One solution would be to recognise this output in the Program Guidelines as an optional output for groups to negotiate inclusion in their Service Agreement. For example, the CJG might nominate that it will spend up to a certain number of hours per week providing particular forms of support to community members to meet a local priority or current gap.

Another potential solution will be to closely examine the range of activities within this output and explore whether other agencies or organisations should be delivering these within the community, to take pressure off the CJG. CJGs should not be expected to fill gaps created by under-servicing or culturally inadequate servicing by existing funded service providers. The data collected from the evaluation and DJAG service mapping about where CJGs are being expected to fill gaps could be used by DJAG to initiate conversations with relevant agencies about how to address these gaps and lessen the burden on CJGs. In Part 5.3, the evaluation recommends that the interagency working group for the Stronger CJGs Framework should review the areas where CJGs are providing services that other agencies could be providing better in the communities in question, for example through shared service hubs or better resourced referral systems from CJGs. An innovative suggestion at a workshop involving services that currently interact with CJGs was to streamline engagement by coordinating quarterly community visits at a ‘justice muster’ involving multiple services working out of a CJG hub (e.g. Births, Deaths and Marriages, Blue Card Services, Dispute Resolution, Victims Assist, QSAC etc).

In Phase 2, the evaluation will seek to map in greater detail the scope of outputs delivered by CJGs, including the problematic ‘social justice’ output, to enable more informed consideration of how the CJG Program can accommodate the broader aspirations of CJGs without compromising the sustainability of the program model.

## **4.13 OUTPUT – Assistance to government agencies and service providers**

### **4.13.1 Overview**

As grassroots community organisations with strong local networks and cultural knowledge of their communities, CJGs have always been an important source of information and assistance for a wide range of government and non-government agencies and service providers working in Aboriginal and Torres

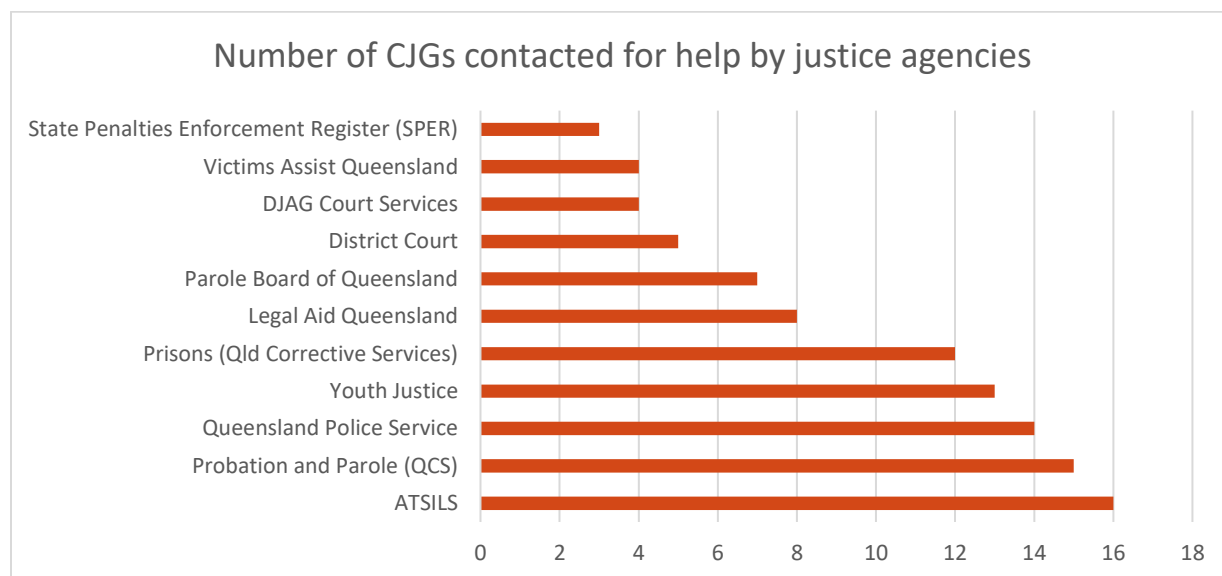
Strait Islander communities. This has been a stress point for the CJG program, as it can lead to significant demands on organisations that have not been well-funded and have relied on volunteers for much of their work.

The evaluation has provided an opportunity to try to quantify the level of assistance that CJGs are providing to other organisations, both within and outside the justice system. DJAG has also undertaken some ‘service mapping’ to form a better picture about this.

The types of assistance that CJGs provide to other agencies generally falls into the following categories:

- Cultural capability building support for agencies such as delivering cultural awareness training and cultural leadership and advice generally
- Advice and community input into policy, program and service design – for example, through consultations, workshops, reviews, and participation on reference groups, steering committee, or inter-agency forums
- Assistance to agencies to contact and engage their clients or a community generally
- Assistance to agency staff to work effectively and in a culturally sensitive manner with community members
- Practical service delivery assistance in the form of use of facilities, vehicles

For the five CJGs where Myuma conducted Local Evaluations, activity mapping reveals that the CJG coordinators spend a significant amount of time on providing support for other agencies unrelated outside of the criminal justice system. Averaged across the five sites, CJG Coordinators estimate they spend 15% of their time supporting government agencies and service providers (see Figure 18 in Part 4.5). This estimate does not include the assistance they provide to agencies in the justice system, such as police, courts, lawyers and corrections. Again, there is wide variation between sites, with CJG coordinators at Mackay and Goondiwindi reporting more than 20% of their time spent on this (i.e. one day per week), and the Murri Court Coordinator at Rockhampton spending no time on this. CJG members reported spending 5% of their time on this at Rockhampton and 10% at Doomadgee (see Figure 19).



**Figure 32. DJAG Service Mapping - Number of CJGs contacted for help by justice agencies, September 2021**

DJAG service mapping with CJGs in September 2021 confirms the diverse range of both justice agencies and non-justice agencies that contact CJGs to assist them in their work with Indigenous community members. CJGs were asked which agencies had asked CJGs to help them with their work with community members in 2021. Figures 33 and 34 set out the results for the 28 CJGs who completed the survey with IJOs. For justice agencies, it is no surprise that the most regular requests for help come from agencies involved in the court process, such as legal representatives, police, youth justice and corrections. Other areas of contact include SPER and Victims Assist Queensland.

Figure 34 indicates 16 other agencies or type of agency that are not part of the criminal justice system who contact CJGs for assistance. The top four are Education Queensland, Health, Child Safety and ATSIP.

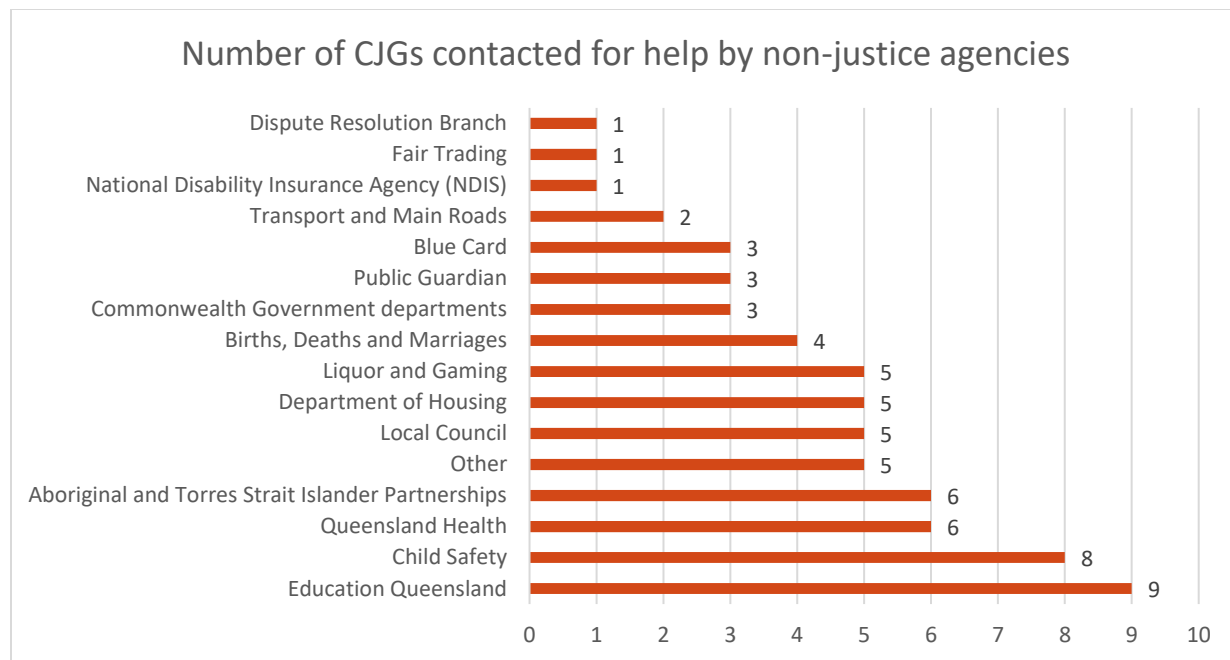


Figure 33. DJAG Service Mapping - Number of CJGs contacted for help by non-justice agencies, September 2021

#### 4.13.2 CJGs' role in building cultural capability

As knowledgeable Elders and respected persons in their communities, CJG staff and members are often called upon to provide cultural awareness training or inductions for government and NGO staff. As many organisations have paid more attention to their Reconciliation Action Plans and Cultural Capability Plans in recent years, this expectation has increased. An agency stakeholder noted that this was usually not remunerated: *“they might get a cup of tea and a bikkie for that, but they don't get any other form of remuneration.”*

Although this can be time consuming and unpaid, CJGs do see cultural awareness training as an important function and a mark of respect for communities, and some have called for more of it. Several CJGs and agency stakeholders spoke of the need for more cultural awareness training for police officers in particular. An Elder in a remote community who had been subject to a widely publicised incident involving unjustifiably rough handling by two young constables told the evaluation that the CJG should be delivering cultural inductions to all new constables before they start work in a community. The evaluation understands the recently formed First Nations and Multicultural Affairs Unit in the QPS is considering this issue.

Under the Magistrates Court Reconciliation Action Plan, Magistrates are committed to attend local cultural awareness training and meet with the CJG within 30 days of starting at a new location. This is consistent with a 30-year-old recommendation of the Royal Commission into Aboriginal Deaths in Custody.

Apart from formal cultural awareness training, the evaluation heard several frontline staff comment on the cultural learning and mentoring that they receive informally from Elders who are on CJGs. Non-Indigenous staff who are required to work with Indigenous clients spoke of the assistance that Elders gave them in how to communicate with Indigenous clients and understand the cultural issues involved. Even Indigenous staff of agencies and NGOs spoke about how important the Elders were in teaching and inspiring them in their work:

*“I just appreciate them being still here. Where would us younger generation be? The knowledge, the cultural knowledge, the guidance, the stories, they hold so much information. I just appreciate them being present.” (Indigenous staff of NGO)*

#### **4.13.3 Service delivery support to agencies and service providers in the justice system**

The support that CJGs provide to justice system agencies and service providers has been discussed in relation to several of the CJG outputs related to the criminal justice system. For example, assistance to lawyers, Magistrates and court stakeholders is a key part of CJGs court-related support output. Assistance to QCS and Youth Justice is central to their work with people in custody and under supervision, and in transition back to the community from custody.

The assistance that CJGs provide to police across all parts of the justice system, from prevention to dealing with returned prisoners, deserves further elaboration. The evaluation has heard that CJG relationships with local police range from extremely close to non-existent. A QPS stakeholder noted that the relationships seemed strongest in the Far North of the State. Certainly, the evaluation heard about strong levels of collaboration between the CJG and police during the Local Evaluations at Normanton and Doomadgee. At Doomadgee, police rely on the CJG for the following:

- Early intervention. As discussed in Part 4.9, police enlist the help of the CJG to resolve family disputes before they escalate. A police officer gave an example of when tension had been building (“she was going to go off”) and the station was looking at bringing in extra staff, but the families had “self-mediated” with the assistance of the Justice Group – “The place was just so quiet, I was really impressed.”
- Community feedback. Police rely on the CJG to convey feedback from the community about issues arising, such as whether there is angst towards police about something, sorry business coming up, people coming into town, or family tensions are rising/
- Communicating with community members about process. Where juveniles are arrested, police ask the CJG to help explain the processes to the child and to the families: “The Justice group is used to help, come in and support people and that for families to, to explain you know what we're doing what's, what's been done how the process works just to keep things nice and calm.” (QPS officer)

At Normanton, police highlighted the value of the CJG to smooth out communication issues between police and the community:

*“It's that intermediary role... they can quite often tell us what the community is feeling, if they're OK or upset about issues that have arisen. For example, if someone's been charged, they've gone and seen [the CJG], they're telling [the CJG] it's unfair, there was more to it. And so sometimes we'll reopen*

*the investigation, and go ‘okay, well, maybe we need to talk to a few other people to get a better idea of what’s actually happened. So [the CJG] can be that, I suppose, the voice of the community a little bit.” (QPS officer)*

Sometimes it is the other way around and the community may not have the full story, so police can communicate with the CJG and they can liaise with the family involved.

The examples of Doomadgee and Normanton highlight how the relationship between police and CJGs is likely to be different in discrete Indigenous communities to larger urban locations. There is considerable mutual benefit to both police and CJGs to cooperate in discrete communities. Nevertheless, stakeholders noted that the relationship was still contingent on the individuals involved. The evaluation is aware of instances in remote communities where this relationship has broken down. A former CJG coordinator spoke of antipathy by certain police who felt that CJGs were “sabotaging their cases” through their cultural reports to Magistrates. IJOs may play an important role in brokering positive relationships between police and CJGs, and troubleshooting relationship issues.

**4.13.4 Service delivery support to non-justice agencies and service providers**

Figure 34 from the DJAG service mapping shows the wide range of non-justice agencies and service providers who rely on CJGs for some level of assistance. The qualitative interviews and other data available to the evaluation gives some indication of the nature of this assistance. Table 4 sets out examples.

**Table 4. CJG support to non-justice agencies and service providers**

Agency	Examples of support provided by CJGs
<b>Office of Liquor and Gaming</b>	<ul style="list-style-type: none"> <li>• CJGs in discrete communities provide input into OLG’s reviews of Alcohol Management Plans, which is a role legislated for these groups in the ATSIJLOM Act.</li> </ul>
<b>Child Safety</b>	<ul style="list-style-type: none"> <li>• In locations where Child Safety does not have a full-time presence, CJGs often assist staff with contacting clients, providing advice about local issues and sitting in on interviews with parents to provide support and help mediate outcomes</li> <li>• The Department’s Cultural Practice Advisors (CPA) seek support and advice from Elders from CJGs in some locations</li> <li>• Many of the adult clients supported by CJGs are also involved with Child Safety so CJGs may provide support to them around resolving their underlying issues and regaining access to their children, which complements and supports the work Child Safety does with those clients</li> <li>• Some of the young offenders supported by CJGs, for example in Murri Court, are under State care so the work that CJGs do with them complements and supports the work of Child Safety. This is illustrated by the following comment: <ul style="list-style-type: none"> <li><i>“I see that our Elders are accepted in the courtroom and our judge really respects our Elders. And we know our kids look for them, especially our children that are in care who’s going through the courts. Just to have our Elders there, it’s just a big plus... So if one of our children are struggling, [the CJG coordinator] talks to me. We try and implement stuff together. We work together with the young fellas... we touch base with the male Elders and community that try and help these boys out. So it’s a partnership.” (Child Safety staff)</i></li> </ul> </li> <li>• CJG members may be involved in the Family Participation Program as an Independent Person or in Family Led Decision Making under the child safety system</li> </ul>

<b>ATSIP</b>	<ul style="list-style-type: none"> <li>• CJGs or their members participate in inter-agency coordination processes facilitated by ATSIP staff, including community safety plan development and work around the Local Thriving Communities initiative</li> </ul>
<b>Queensland Health</b>	<ul style="list-style-type: none"> <li>• Many CJGs report taking people to health appointments as a practical support they provide.</li> <li>• Supporting people to access mental health treatment is a particular gap.</li> </ul>
<b>Education Queensland</b>	<ul style="list-style-type: none"> <li>• In many locations, CJGs provide practical support to EQ’s Court Liaison Officers (CLOs) to engage with students attending court. EQ staff report that Elders and respected persons from CJGs are able to have impactful conversations with young persons about returning to school. Having Elders present helps CLOs in their discussions with students – <i>“The Elders help the kids to open up to the CLOs. That is the real value of CJGs for our work”</i>.</li> <li>• CJGs are also well placed to have <i>“strong yarns with the Mums and Dads outside the court”</i> (EQ officer).</li> </ul>
<b>Housing and Public Works</b>	<ul style="list-style-type: none"> <li>• Frontline Housing staff approach CJGs for information about barriers and issues regarding families sustaining a tenancy of obtaining a tenancy – information about that <i>“missing part of the puzzle”</i>, such as a <i>“particular dynamic within a family that is well known with the community”</i> (HPW officer)</li> <li>• Customer Service Managers in regional areas often have strong relationships with CJGs to source information and assist with issues affecting community members. Sometimes this is informal and sometimes it is through inter-agency working groups.</li> <li>• CJGs may support Housing with particular initiatives: <ul style="list-style-type: none"> <li><i>“The clearest example I can probably give you... was looking at reaching into a community to get something off the ground to support our Aboriginal and Torres Strait Islander customers. So I've made an approach to a stakeholder network, ran a forum, and... I basically got to the point where everyone in the room was saying to me, ‘if you want to get something happening in this community and you want to make sure it's right, this is the person you need to speak to’. And the name I got was [the coordinator of the CJG]... And when I contacted our staff on the ground to get a bit of input into how we work with CJGs, I pretty much got the same story – which was if we're really in a in a bit of a bind or in a dire situation and we need some information or activity or something to happen quickly, that's where we go.”</i> (HPW officer)</li> </ul> </li> </ul>

#### 4.13.5 Discussion

At a CJG conference in 1998, the Deputy Chair of the Indigenous Advisory Council, Jacob George, gave a warning to CJGs not to burn out and Government agencies not to crush CJGs with excessive demands. As CJGs have become an integral part of the service delivery system in Indigenous communities, many agencies have become heavily reliant on CJGs just to deliver their services, especially in remote locations. An agency stakeholder noted that a regional officer from his agency had *“basically said that in our current work, without the CJG, we just couldn’t get out [in the community], we just couldn’t operate.”*

Interviews with government stakeholders reveal that most are acutely aware of the burden they are placing on CJGs. As one stakeholder said, *“certainly the messaging from anyone that I've spoken to in our Department who is familiar with Community Justice Groups and the work that they do is that particular dynamic of [CJGs] being leaned on and feeling leaned on, feeling a little under-resourced, overcommitted, all of those things”* (Government stakeholder).

There were two themes regarding stakeholders’ views about how to address this tension: first, the need to better negotiate and communicate the scope of the relationship and the assistance expected of CJGs; second, the need to better support CJGs to manage the level of risk and the workload they take on.



### **Negotiating the scope of the relationships**

Several stakeholders noted that agencies expecting things of CJGs needed to negotiate clearer scope.

*“I just think there needs to be some clear expectations, boundaries, guidelines that this is what you need to do, but you don't need to do this... It's just about setting some guides and knowing what's expected of who. You know, there's the passion of the CJGs – they want to help out and they can. But [we need to be] trying to take some of the pressure off them, because we need to make sure we're really looking after these relationships because, you know, in the big picture, we want to keep sight of what we want to achieve... addressing overrepresentation and things like that... and we're not going to be able to do that unless we keep that relationship good and healthy. (Government stakeholder)*

A QPS stakeholder observed that a starting point for the relationship with CJGs was for their agency's own staff to better understand the nature and scope of CJGs' responsibilities. This would require more materials explaining the role of CJGs to frontline police. The same principle would apply to other agencies. It was also noted that good relationships will require agencies to build more cultural competency in their workforce to work with and empower CJGs to take more of the lead in developing local solutions.

In appropriate circumstances, the relationship may need to be negotiated and formalised in a process of MoU:

*“If that's seen as a benefit to the community... maybe there might be the opportunity to formalise some of those relationships, because I think our interactions are not only informal but also ad hoc... on an as-needed basis... Whereas I think sometimes it's nice to be a little bit proactive. And if you've got something a little more formal in place, like even what my colleague was talking about there in Hope Vale, where they were having regular meetings [with the CJG], it just allowed them to gain a bit of insight into certain dynamics and situations before things blew out, got out of hand or became a problem.” (Government stakeholder)*

Another stakeholder noted that because circumstances differ widely across the State, and relationships depend on local individuals, it would not be possible to develop State wide policies or standard structures for the relationship with CJGs.

### **Better support to CJGs to manage workload and risk**

Several agency stakeholders acknowledged that their agency needed to provide much more support to CJGs for the assistance that was being provided. Support might be in the form of funding, in-kind support or training.

In relation to funding, the evaluation notes that the 2019 KPMG report on the Blueprint for CJGs recommended that: “Recognising that some CJG work is undertaken for other departments, DJAG should take the lead in negotiating across government for whole of government pooled funding for local CJG work.”<sup>63</sup> Several stakeholders suggested that other agencies should be contributing funding in return for work that CJGs undertake. As an NGO stakeholder said:

*“I would like to see them being remunerated and acknowledged for all the extra work and everything they do to contribute, all their knowledge that they bring in, all the skills that they bring... Let's not use them and abuse them, let's acknowledge it and remunerate them in some manner, because I just think it's wrong that we take advantage of our Elders in that regard.” (NGO stakeholder)*

---

<sup>63</sup> KPMG. (2019). *Community Justice Group Consultations: Community Justice Group Service Delivery Blueprint*.

Resourcing a partnership may not require payment for services, but it should involve other forms of support:

*“I think maybe we need to step up with DJAG and go, ‘OK, well, what would it look like if it was all funded?’ Well, good training, clear expectations, we built some capability, we worked alongside people and, you know, really valued the partnership going forward.” (Government stakeholder)*

Several stakeholders highlighted that properly supporting a partnership means helping the CJG to manage risks. There was concern that sometime agencies are devolving risks to CJGs without supporting them. For example, members of CJGs are being asked to deal with difficult clients and potentially exposing them to vicarious trauma, without any debriefing or support:

*“With the Justice Group, you say ‘can you go in and fix whatever it may be’, but there’s no capacity for them to debrief. A lot of the time, with that intergenerational trauma or any trauma that they’re carrying around, what they’re being faced with on a daily basis just triggers all kinds of things for them, back in their history. But then when they’re nice and raw, you go, ‘you’ve done your job, walk away.’ So there needs to be some kind of a mentoring.” (Government stakeholder)*

It was noted that QCS now has a practice of informing CJGs about prisoners being put on Safety Orders, which is where they are isolated for the safety of themselves or someone else. This was felt to be devolving some responsibility to CJGs for this issue.

An alternative viewpoint is that risk is something that governments are too constrained by in terms of devolving real authority to CJGs. Risk is already dominating Indigenous lives and things will not change unless governments are prepared to trust communities to address things through culturally-based responses:

*“We are so risk averse in government. I mean, these people are living with this risk. It’s their community. It’s their family. These are people that they are connected to. Yes, we absolutely need to give people whatever support is required so they can help in whatever way. And yet there’s a huge cultural element. Really in a good partnership, they should be transforming the criminal justice system. Bringing through that cultural lens. And if we don’t get Community Justice Groups reaching their full potential, that risk never goes away.” (Government stakeholder)*

This point highlights that devolving risk is an inevitable consequence of devolving more responsibility locally, and CJGs and Indigenous communities are asking for governments to hand over greater authority for making decisions that affect them, whether that be how young offenders are dealt with or whether children are removed from a family. It is true that agencies request a lot of CJGs, but it is often CJGs that are driving agencies to engage with them, although the engagement they are seeking is not to be servants to those agencies but to be in the driving seat or at least at the table where decisions are made. A government stakeholder spoke about how many agencies were engaged in the Murri Court stakeholder meeting and observed that *“it’s been driven by a really committed CJG, building all these great stakeholder relationships in that location.”* Another stakeholder noted that in remote communities, there have been massive fallouts where drive in drive out service providers come into the community and do not engage with the CJG – *“they’re not being respectful, especially to the directors of the justice groups”*. So CJGs want to be engaged, and want to be given responsibility, by service providers, but on terms of genuine partnership or empowerment.

### **Models for good partnering**

The feedback from stakeholders and CJGs indicates that forging more sustainable and more empowering partnerships between services and CJGs will be an essential foundation for the success of the CJG program in this growth phase. A focal point for the Local Evaluations to be conducted in 2022 and 2023 will be exploring case studies of good partnerships between CJGs and government and non-government service providers, to identify best practice models and principles for working with CJGs. An outcome of this work might be a set of protocols or a guide for partnering with CJGs. For example, this might take a similar form to the “Partnership Principles for working Aboriginal organisations in the Northern Territory”, developed by the Aboriginal Peak Organisations Northern Territory (APONT) in 2015 out of a concern about the way non-Aboriginal NGOs were working in Aboriginal communities.<sup>64</sup>

## **4.14 Stakeholders’ overall views about CJGs’ output**

This Part 4 has provided a detailed description of the evidence available in Phase 1 of the evaluation about the outputs being delivered by CJGs both in the criminal justice system and other community domains. The surveys conducted to date and the qualitative interviews at both the Local Evaluation sites and the Program level also enable the evaluation to report on stakeholders’ overall views about the scale and quality of CJGs’ outputs.

### **4.14.1 Stakeholder Survey feedback**

Given the diversity of CJG locations and delivery models, it is perhaps not surprising that stakeholders’ views about CJG delivery vary widely across the State. For example, comments by respondents to the CJG Stakeholder Survey included:

*“It varies from group to group. Some CJGs are really strong, others need work in terms of juggling increased contract responsibilities that are now multi-faceted, including government support to ensure there is a strong decision making and cultural guidance platform within the group to underpin day to day service provision.”*

*“Different across the state, little consistency to the capacity of the CJGs.”*

*“I have observed great variability across different CJGs and would love to see this addressed through this evaluation.”*

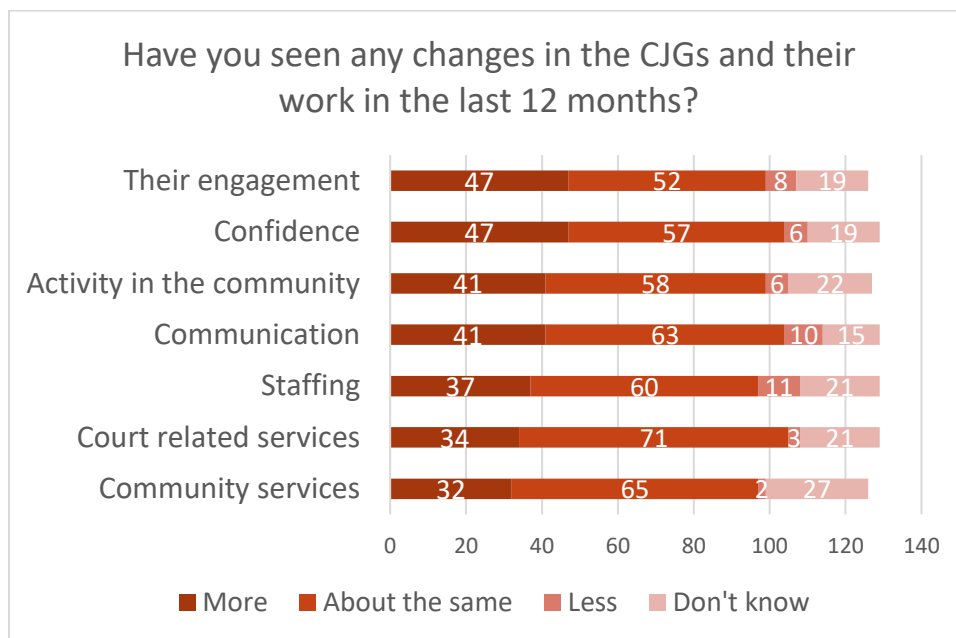
In addition, many stakeholders mentioned that in any given location, CJG delivery has ebbed and flowed considerably over time. A stakeholder who has been involved with the Doomadgee CJG for over 10 years said *“I’ve seen it transition, up and down, up and down, so it has tended to be a bit fragile.”* A government stakeholder assessment of another CJG observed that *“the CJG has been in a difficult place for over a decade, with a constant turnover of coordinators/caretakers of limited capacity, in a community with a small critical mass of fatigued and overstretched concerned community Elders, many of whom have full time employment and sit on countless other committees, therefore rarely able to contribute.”* Another government stakeholder who is involved with five CJGs observed that *“there are some that work really well, some that don’t, and I believe that those that work well is because they’ve got some very good coordination, a very good coordinator or a couple of board members that have the energy.”* Both these comments highlights two of the key factors in CJG output, which are the capability/stability of the Coordinator role, and the availability and drive of Elders. A representative of a CJG auspicing body noted

---

<sup>64</sup> See <http://www.amsant.org.au/apont/our-work/non-government-organisations/apo-nt-ngo-principles/>

that both of these ingredients have been constrained by the under-resourcing of CJGs over the past 20 years, although he hoped the new funding enhancement would now make CJG delivery more sustainable.

In the Statewide Survey, stakeholders said that CJG service delivery was strongest in the court and in providing cultural guide, followed by DFV support and prevention (see Figure 17 in Part 4.4). The open-ended comment fields in the survey elicited a wide range of responses about CJGs that stakeholders had dealt with, ranging from very positive to critical of under-performance.



**Figure 34. CJG Stakeholder Survey - Perceptions about change**

Stakeholders were also asked whether they had seen any changes in the CJGs and their work in the last 12 months (see Figure 35). While a majority of stakeholders felt that CJGs were ‘about the same’ across all the categories, sizeable portions had noticed positive changes across the indicators in the survey, especially greater confidence and engagement by CJGs. Very few people had noticed declines in the indicators. These perceived improvements are encouraging signs that the enhanced funding for CJGs is starting to translate into tangible gains in service delivery and impact. One stakeholder commented: *“With increased funding enabling employment of workers other than coordinator activities of CJG seem buoyed and energised leading to more positive engagement with community agencies.”*

**4.14.2 Local Evaluation Feedback**

The small sample of five Local Evaluations conducted for Phase 1 of the evaluation provided another data source for understanding stakeholders’ views of CJG output delivery. It should be noted that these locations were selected on the basis of a reputation for strong, or at least solid, performance, so they are not representative of the 40 CJGs across the State. The interviews with the CJG staff and members and multiple stakeholders in each location enabled a general impression to be formed about stakeholders’ views of each CJG’s delivery.

**Mackay**

The evaluation received very positive feedback about the Pioneer Murri Court Elders Group from a range of NGO and Government stakeholders and a client (reformed young offender). The CJG and a

range of government and non-government services have built very strong cross-sector partnerships that are providing wraparound support for young offenders. All stakeholders interviewed believed that the work of the CJG Coordinator and Elders in court and in the community has contributed to the steep decline in youth in the Murri Court over the past 4 years.

*“I would say that they are a positive, contributing, culturally appropriate service that is here in Mackay and everybody in the community has them on tap you know, so when you’re talking about the time that [the Coordinator] gives and where she’s being pulled from pillar to post, it’s because people respect her and they know about her and they know about what she does. So I think there is so many good stories to be told. The statistics speak for themselves – when the government look at statistics then you know that something’s being done right, cultural ways, it’s embedded here.”*  
 (NGO stakeholder)

#### Doomadgee

Stakeholders noted that a new group of Elders had taken on the CJG role and were providing a very good service in the courts, and starting to work on early intervention strategies such as mediating disputes in the community. The new Coordinator was delivering excellent court support and exploring other programs for the community. The CJG Coordinator also delivers the Womens’ Shelter service, which is a constraint on CJG delivery. A community organisation representative noted that *“from what I understand... what they’re doing in the court process, they’re doing a fairly good job.”* A government stakeholder commended the group on their level of engagement (*“they’re all members that I feel that I could call any time and get help”*) and their work in helping resolve disputes in the community.

#### Rockhampton

Stakeholders provided positive feedback about the CJGs’ work in coordinating the Murri Court and engaging a diverse range of stakeholders. People commented on how well the Coordinator understands the court process and has engaged widely to involve other stakeholders to support the Murri Court. A lawyer who works in the court commented *“our Community Justice Group do a great job.”* Some stakeholders noted challenges with the Murri Court referral processes and the coordination and communication between services working with Murri Court clients. It was also noted that the Murri Court Elders are elderly and will struggle to deliver new initiatives – there was consensus that a succession strategy was needed for the membership and that it should aim to increase involvement from a diverse range of Aboriginal and Torres Strait Islander family groups.

#### Normanton

The CJG at Normanton is well regarded by stakeholders for providing excellent support to community members going through court and providing a wide range of assistance to people in the community. The CJG coordinator has strengthened participation of Elders in the CJG’s work and worked with them to prioritise initiatives that will fill major gaps for the community, including a women’s refuge and a safe place for children. The CJG has a strong focus on prevention and early intervention to reduce people coming into contact with courts. There are strong relationships with stakeholders such as police and ATSILS.

#### Goondiwindi

Stakeholders provided very positive feedback about the CJG Coordinator and members and the work they are doing with community members. The CJG’s Town Common project is highly regarded as a

way of engaging people in meaningful activities on country while paying off SPER fines. The feedback from community members about the support they receive from the CJG was especially positive.

### **Magistrates' feedback**

The stakeholder interviews with three Magistrates who work with multiple CJGs was another source of information about the delivery by CJGs, at least in courts. All three Magistrates were remarkably positive about CJGs they were working with. Comments included:

*"We've got an embarrassment of riches [here], I think, because we've got a really extraordinary... in my view, our Community Justice Group works well, extremely hard." (Magistrate 1)*

*"I have visited both of their [CJG] offices and spent time with them out of court as well. And they just seem to have that capacity to be willing to go above and beyond the call of duty. And they really seem to have their heart and soul in the job of trying to improve the situation for their people and for it to be a healing process, rather than sticking to requirements in ticking boxes and having to fit criteria." (Magistrate 3)*

*"On how much it's changed from when we first started seeing them [CJGs] to now, I think it is improving, it's getting better, it's evolving. So you can only hope that it goes from strength to strength." (Magistrate 3)*

*"I've just been very, very fortunate that I've been able to work with all of the [CJG] coordinators that we have had. They are all very, very good. And they build on what the previous one has done." (Magistrate 1)*

## 5 Opportunities for improvement through enhancing inputs

### 5.1 Introduction

Part 3 has described the inputs that are in place as the foundations for the CJG Program. Part 4 has provided a detailed description of the extent and the quality of CJGs' delivery across a broad range of common output areas for the Program. This has painted a picture of the scope of what the Program is delivering currently, while also reporting CJGs' and stakeholders' views about what CJGs could be delivering more of in the future.

In addition to highlighting the breadth and value of the outputs that CJGs are delivering, Part 4 identified some weaknesses in current delivery and areas of unrealised aspirations for delivering important outputs that could make a difference. From an implementation perspective, this leads to the crucial question whether the Program's inputs are adequate and appropriate to deliver the range and quality of outputs that CJGs and stakeholders believe to be important. If important outputs are not being delivered or are being delivered poorly, do inputs such as funding, training or support need to be enhanced to improve the delivery? What factors are inhibiting delivery that could be addressed? What inputs are underpinning success that could be multiplied?

This Part will analyse the current program inputs in detail with a view to answering these questions. This analysis is an opportunity to identify changes that can be made now to improve the delivery of important outputs that will contribute to the Program's goal of reducing Indigenous people's contact with the criminal justice system.

### 5.2 Adequacy of the funding input

Part 3.4 outlined the funding inputs for the CJG Program, including the significant funding enhancements in recent years. The CJG Program has come a long way from the original budget of \$600,000 per year in 1998, which is equivalent to a little over \$1 million in today's dollars, to the current budget of \$13.4 million per year.

#### 5.2.1 Feedback about resources

In the Statewide stakeholder survey, stakeholders were asked about the areas where they thought CJGs needed more support, in terms of training, governance, communication, resources and connections. The response in relation to Resources reveals that, notwithstanding the recent funding enhancements, stakeholders continue to believe that CJGs need more support with resources. Stakeholders' comments in relation to this issue contained the following themes:

- CJGs should be funded in more sites (e.g. *"Lack of Murri Court services disadvantages A&TSI clients in certain areas"*)
- CJG members do a lot of voluntary work and are insufficiently remunerated (e.g. *"CJG's are very poorly funded for the amount of work they undertake. CJG members are available to their community 24/7 and this should be recognized."*)
- CJGs need more funding to deliver prevention programs and interventions and develop resources and promotional materials (e.g. *"CJGs in my opinion only have the resources to scratch the surface of the social issues in the communities"*)
- Other agencies need to support CJGs more (e.g. *"More awareness of how other agencies could assist to strengthen the CJGs skills and resources".*)

- CJGs need more staff (e.g. *“More resources would enable more staff to support clients”; “It would be good if CJGs had more staff members so they can specialise in different fields (e.g. DV, Child Protection, Criminal Justice, mediation, Blue Card, budgeting and financial etc)”*)
- CJGs need more resourcing for vehicles and infrastructure (e.g. *“We have 1 vehicle which is DFV and for 6 years I used my own vehicle and paid my own fuel.”*)

Several stakeholders also raised resourcing in response to other questions in the survey – for example:

*“They could be much better as the CJG is grossly under resourced for the outcomes that they are trying to achieve.”*

*“The CJG program if funded properly can be an extremely valuable asset in the community.”*

The issue of resources for CJGs was also discussed in several of Myuma’s interviews with Program stakeholders. A number of people spoke of the need for funding of CJGs or Murri Courts in more locations. For example, a Magistrate queried why there was no CJG in Innisfail or Tully. State Government stakeholders raised the need for more resourcing for the CJGs in the Torres Strait.

In the interviews with stakeholders for the Local Evaluations in five sites, the most common themes about CJG resourcing were:

- The need for more staffing and support for coordinators, who were perceived to be over-worked  
*“I think [the CJG] does need some dollars and resources thrown at it to make it bigger, better... Is there a way of streamlining the process for the Murri Court coordinator? Because I could only imagine the amount of work that they have to do to prepare for the Elders. It’s that labour intensive... Do they need more resources in that space for more court support?” (Government stakeholder)*
- More funding for CJGs to deliver programs and interventions  
*“I would like to see the program get funded more, so that [the CJG coordinator] can run more programs and to have that extra assistance. Because she works way above her hours, you know... So it’s having resources... so they can run more programs in the community with the kids, to run more program in the schools, do more cultural program with our kids, taking them out on country and actually spending a couple of days... do a little bit of spiritual healing with them as well.” (NGO stakeholder)*
- Remuneration of Elders  
*“[We need] more support for our Elders... not just paying them to go [to court], but they do a lot of outside work as well. So I would like to see them being remunerated and acknowledged for all the extra work and everything they do to contribute all their knowledge that they bring, all the skills that they bring. Let’s not use them and abuse them, let’s acknowledge it and remunerate them in some manner, because I just think it’s wrong that we take advantage of our Elders in that regard.” (NGO stakeholder)*  
*“I have a view that they should be paid and they should be paid more than they currently being paid.” (Magistrate)*

An analysis of issues raised by CJGs with IJP indicates that deficiencies in office facilities and vehicles are commonly raised by some CJGs. This was also raised as a priority by CJGs at the 2019 consultation workshops about the use of the new funding enhancement. KPMG’s report noted that: “The priority for investment for many CJGs was a sense of place – a space for the CJG group that was appropriate for their work and was available on a longer term/permanent basis... Transport appropriate for the environmental



setting was also top of the list for some groups because of the positive enabling effect it has on the work of the CJG group.”<sup>65</sup> KPMG recommended that: “Consideration needs to be given to appropriate infrastructure to modernise and create a step shift for the work of CJGs (including modern offices and computers) ...”<sup>66</sup> It is noted upon advice from IJP that many CJGs when offered the one off \$64,000 funding enhancement in the first year of the new funding took the opportunity to upgrade vehicles and elements of their facilities.

### 5.2.2 Discussion

In evaluations of programs intended to tackle deep-rooted social challenges, it is common for stakeholders to raise the need for more resources. There is always more that can be done. The important issues to consider are whether stakeholders’ concerns about resourcing indicate fundamental problems such as:

- (a) a serious risk to the viability of a program,
- (b) significant impacts on the program’s ability to deliver its intended results,
- (c) equity issues in terms of evenness of access to the program, or
- (d) very high levels of unmet need for the program in the community.

In relation to program viability, the historically limited funding for CJG staff and the reliance on volunteers has clearly been an ongoing risk to the Program for many years. The Program has relied on coordinators and Elders putting in significant unpaid time, which has sometimes led to burnout. The common historical pattern of CJG performance ebbing and flowing in a cyclical manner over a period of years can be attributed to this reliance on individuals. Myuma was told that in one location, the CJG stopped functioning because the people running it simply “*ran out of energy*”. Fortunately, another organisation and another group of Elders continued the service.

With the additional funding coming online in recent years, this program viability risk can be expected to reduce. There is a sense that CJGs are still in a transitional phase, adapting to the new level of resourcing. It is not always easy to scale up a service, as it requires recruiting and training more staff, introducing new systems and dealing with higher levels of complexity. Many CJGs are not yet utilising the full amount of their new funding, with surpluses still common. A Government stakeholder noted that some CJGs were still “*too frightened to spend the money.*”

Despite the difficulties and ‘growing pains’ associated with this transition, there are promising indications that the additional funding is starting to address some of the viability risks, and creating more sustainable delivery. In one location, several stakeholders noted that the appointment of an offsider to assist the Coordinator had made a big difference:

*“I think it’s helped [the Coordinator] a lot, to have another person with her. Part of [the new position’s] role is to prepare all the reports for Murri Court and that can be quite time intensive and consuming. So they’re [both] doing all of that as well as trying to chase up clients, support them with referrals, all that kind of thing. It can be a lot for one person. So, yeah, we found that it’s working a lot better with more resources devoted to the coordination of Murri Court and how best to make sure that the clients are getting the most out of it.” (Legal stakeholder)*

---

<sup>65</sup> KPMG, *Community Justice Group Consultations: Community Justice Group Service Delivery Blueprint*, 2020, p.21.

<sup>66</sup> KPMG, 2020, p.27.

In relation to point (c) above, equity issues may arise where the funding input is not targeted equitably to enable a Program to be accessed by those with the highest level of need. The Department chose to deploy the 2019 funding enhancement to boost the funding to existing CJGs rather than support CJGs or Murri Courts in additional sites. This was reasonable, given the viability risks discussed above. There was clear consensus from stakeholders that \$100,000 annual grants could not support sustainability of CJGs. In addition, CJGs have traditionally been established in response to community demand, rather than because the Government determines the need for a CJG in a location. DJAG do not create CJGs, it is the community themselves who express an interest in establishing a CJG. Once established, DJAG assist the local group, provide information about the role of a CJG, conduct training on operations of court and arrange a ‘meet and greet’ with the local stakeholders at the courthouse to build relationships and connections

Nevertheless, there are sites with no CJG that have high populations of Indigenous people and have high rates of contact with the justice system. In some of these locations, local communities may have lobbied for creation of a CJG. The evaluation suggests that the Department undertake an analysis of the numbers of Indigenous people involved in the court system in areas of high Indigenous population that are not currently serviced by a CJG or Murri Court. Where there is community interest in establishing a CJG and/or Murri Court in such locations, the case might be made for funding in the future to support new CJGs in these places.

In relation to point (d) in the list above, the issue of high levels of unmet need for the types of support provided by CJGs has been a common theme in the interviews for the Local Evaluations, especially in the rural or remote locations. The evidence in Part [4.12](#) – relating to the community support and access to social justice output – highlighted that CJGs in rural and remote communities perform a far wider range of activities than those in urban and regional centres, which seems to have come about through CJGs filling gaps in the service system. This begs the question whether CJGs in these locations should be resourced at a higher level than those in urban and regional centres. This might also be justified by the fact that the costs of service delivery are higher in remote and rural locations (for example, goods and services are more expensive and higher wages and allowances may need to be offered to attract the same calibre of staff as in urban centres). Many government services and programs include a weighting for funding based on remoteness.

With only five Local Evaluations conducted to date, the evaluation has not yet collected sufficient data to explore the case for differential funding for rural and remote area CJGs, but this will be considered further in the Phase 2 report of the evaluation, due in October 2022.

The same considerations discussed here for CJGs and Murri Courts apply to the question of funding of DFV enhancements for CJGs. The need for expanding the funding for DFV services beyond the 18 current sites was raised during the evaluation by some stakeholders. This issue will be considered further in the evaluation’s supplementary report on the DFVE in 2022.

### **5.3 Improving the program infrastructure input**

Part [3.5](#) provided an overview of the elements of the program infrastructure input, such as the Program Guidelines, Service Agreements, grants management system. A detailed review of the Department’s CJG program infrastructure was not within the scope of the Evaluation Plan, which focuses to a greater extent on frontline delivery by CJGs and their role within the service system. Nevertheless, the evaluation did ask CJGs and stakeholders how the CJG Program can best operate as an enabler for CJGs’ frontline work, which also drew out discussion of the converse situation, where aspects of the program infrastructure may inhibit CJGs’ work. These issues are discussed in this Part.

The Program Guidelines is one element of the program infrastructure that the evaluation believes could be improved. In particular, the Service Delivery Activities specified in Part 8.0 of the Guidelines recognise only the activities of CJGs in courts and in alcohol reform (for those in discrete communities), and do not explicitly recognise the much broader functions of CJGs now encompassed in the refocused CJG model and the Framework for Stronger CJGs. Even the broader ‘community-specific activities’, which often target prevention or early intervention type programs, are not outlined in the Program Guidelines, despite the fact that they are spelt out in the Service Agreements. As discussed in Part 4.12, the Program Guidelines also do not currently accommodate the output of some CJGs in providing advocacy, support and access to social justice for community members who are not currently in the criminal justice system (except to the extent that these some of these services might be considered to be crime prevention).

A new CJG staff member or new organisation taking on a CJG service would be misled as to the scope of CJG functions if they were to read the current CJG Program Guidelines. Program Guidelines are a key document for program infrastructure. **The evaluation recommends that DJAG revise and update the current Program Guidelines to better reflect the refocused CJG model and the broader suite of outputs that CJGs deliver outside their court-based activities (RECOMMENDATION 6).**

The funding application process involves submissions by CJGs (as incorporated in their own right or through an auspicing organisation) being assessed by a Panel against defined criteria. The process appears rigorous, although some stakeholders raised concerns about the length of time taken for approval.

A significant change in recent years has been the shift from annual to *triennial service agreements*. To accommodate the funding enhancements, the Department has also re-developed the template for the Service Agreement, so that the schedule for a CJG now sets out the standard Service types to be delivered (Magistrates Court support, Murri Court, DFV Enhancement etc) with standardised performance measures and targets, plus the place-based ‘community-specific activities’ with tailored performance measures and targets. The review of the full range of CJG outputs in Part 4 has underscored that the current Service Agreements do not capture the full range of activities that CJGs are delivering with their funding. This means that the Service Agreements do not contain relevant performance measures and targets for many key outputs of CJGs. For example, if the Doomadgee CJG decides that its best way to reduce community contact with the courts is to undertake more early intervention in the form of regular mediations, this activity would not be captured anywhere in the Service Agreement, and would not have any performance measures or targets associated with it.

The inclusion of the tailored section of the Service Agreement relating to the ‘community specific activities’ is a step in the right direction towards developing agreements that genuinely reflect the CJG’s locally-led priorities. **The evaluation recommends that the template Service Agreement should be revised to align with the revised Program Guidelines and the refocused CJG model (RECOMMENDATION 7).** This revision should focus on:

- (a) more explicitly recognising funded outputs that CJGs may choose to deliver in areas outside of their court activities (for example, the template could have an output ‘menu’ across the domain areas in the Stronger CJGs framework);
- (b) accommodating more tailored, local, quarterly performance measures that are meaningful to CJGs as indicators of their delivery.

When Service Agreements are next negotiated with CJGs, DJAG and CJGs should be able to create schedules where funded activities better reflect the CJG’s priorities. The Local Evaluations with CJGs in Phases 2 and 3 will be looking at assisting CJGs to develop more meaningful local measures for their

priority activities/outputs and desired outcomes. These measures could be included in their Service Agreements to enable them to provide meaningful reporting that reflect their local priorities.

CJGs are required to submit quarterly performance reports and financial reports to receive quarterly releases. They are also required to submit court attendance and submission data and annual audited financial statements. Because the Service Agreements only cover the court-related outputs and the community-specific activities, quarterly reporting templates often do not reflect the reality of CJGs' activities and priorities. A section for 'good news' stories is currently the only option for CJGs to contribute information about successes in other output areas, whether prevention, early intervention or transition from custody, for example. As the Service Agreements become more tailored to the CJG's locally-determined service priorities, the quarterly performance reports should be revised to include reporting on the more meaningful local measures.

Grant management is undertaken using a series of Excel spreadsheets to track quarterly performance and financial and timing of funding releases. This process requires extensive manual data entry and follow-up of reporting requirements by IJP staff. Considerable staff time might be saved by introducing a more streamlined, automated grant management system such as SmartyGrants. **The evaluation recommends expediting the current project to introduce a more sophisticated grants management system (RECOMMENDATION 8).**

The data collection system and performance management system has been substantially improved in recent times. In the past, the process for capturing and following up performance issues has been ad hoc. However, in 2021 a significant enhancement to the performance management system has been the introduction of two standardised Microsoft Forms templates for IJP staff to capture information about:

- (a) their quarterly performance conversations with CJGs
- (b) other issues and performance information (e.g. success stories) arising during everyday contacts by staff with CJGs and other stakeholders.

These forms are excellent tools for methodically capturing performance issues and tracking any follow-up actions, as well as capturing qualitative performance data for the Program generally. The tools were introduced in February 2021, and their use by IJP staff is still variable, with some staff embracing the process more quickly than others. Ongoing staff training around the tools is likely to be necessary, especially for new staff. The data captured should also be analysed and reported back to IJP staff periodically to demonstrate the value of capturing this performance information. The data has already been invaluable for the current evaluation and will continue to be useful in the next phases. For example, it will be possible to track the changes in IJO's and CJGs' collaborative self-assessments of the level of maturity of CJGs in key capability domains.

The evaluation has further identified an improvement that could be considered for the *program governance structures* for the CJG Program. These currently comprise:

- The IJP leadership team, made up of the IJP Director and the Managers of the Operations area, Operations (North) and Operations (South) and Projects;
- Inter-Departmental Working Group (IWG), convened by IJP and comprised of representatives from a range of stakeholder agencies across Government;
- Evaluation Advisory Group (EAG) established specifically for the Evaluation, comprising representatives of stakeholder agencies, CJGs and ATSILS.

The Queensland Government Statistician's Office research report, *Wise practice for designing and implementing criminal justice programs for Aboriginal and Torres Strait Islander peoples* (April 2021),

recommends that program governance or reference groups should have Aboriginal and Torres Strait Islander community representation (see Part 4.1.2 of that report), to conform with the wise practice principle to ‘Support Aboriginal and Torres Strait Islander ownership, engagement and oversight’. The evaluation notes that the Department currently has no CJG representation on the program’s governance structures. Several years ago, the CJG Program had a State-wide Community Justice Reference Group, which included 15 elected representatives of CJGs. The evaluation understands this was discontinued around 2012 when funding was no longer available for this function. The evaluation is concerned that the current program governance does not accord with leading practice for delivery of programs for Aboriginal and Torres Strait Islander communities, as indicated in the QGSO document. **The evaluation recommends that DJAG incorporate representatives of CJGs in the program’s governance arrangements, so they can be involved and provide input into important decisions about the CJG program. DJAG should explore models used by other Indigenous justice programs, consult with CJGs (for example, at the State-wide CJG workshops), and implement a suitable model (RECOMMENDATION 2).** DJAG should investigate options and consult with CJGs about the preferred model for this to happen – the upcoming State-wide workshop in 2022 will be an opportunity to engage CJGs about this issue.

## 5.4 Adequacy of Program staffing

Part 3.6 provided an overview of one of the most crucial inputs for the CJG Program, which is the network of DJAG Indigenous Justice Officers (IJOs) and their Managers who support CJGs in locations across the State.

Performing the IJO role requires striking a delicate balance between compliance and support. While IJOs are the main point of contact for CJGs around their Service Agreements and associated requirements, the reflections by IJOs below show their role often extends to providing other forms of personal and professional support to CJG staff and members, especially as relationships evolve over a period of time.

*“The [last CJG Coordinator] actually got burnt out from doing it. The main thing that I do to support [the Coordinator], like I say to her, ‘make sure you’re not working over the hours that you’re supposed to be. Make sure that you’re getting a rest.’” (IJO)*

*“I think for me, [the highpoints are] those really intimate moments where Elders are having serious life issues and they call me as a friend. They might have just lost a partner or their son or daughter is, you know, into hard drugs and they’re really struggling with getting out of bed and let alone just wanting to be a Justice Group [member] and they’ll call you just as a friend to talk to... And you can offer Benestar [a counselling helpline] and all that sort of thing, but people shy away from that. It’s like they want to talk to someone that they know that sort of understands what they’re going through and maybe outside of the community that they know won’t be spreading yarns or go any further... And [those yarns] seem to, in some instances, have had an effect in people being able to continue on with their lives and their roles in Justice Group and feel an important part of the world.” (IJO)*

*“Letting them debrief with us. It’s like it’s a big help, you know, helping them through any issues that is ongoing.” (IJO)*

As the interface between CJGs and the government bureaucracy, IJOs also tend to play a role as an intermediary, helping CJGs to navigate the often competing demands of government and the community:

*“Sometimes it can put us in the role of a ‘clutch plate’ between the conflicting demands coming down from above – consultative demands – and those real desperate needs on the ground that people have – the life and death issues that are not complementary with those that are coming from above... I don’t*

*think you could do this role just as a compliance officer, there's a lot of development and soul connection that you need as part of the role." (IJO)*

As public servants, many of whom have long-term experience working in the justice system, IJOs also assist CJGs with valuable knowledge of the court system and government in general. The combination of practical advice, formal training in court processes and connecting CJGs into networks is an important enabler to build the confidence of CJGs to participate in courts. IJOs spoke about how some CJG staff or members might be *"too frightened to speak up in court"*, and how their encouragement and networks with court staff can break these barriers down. An IJO described part of her role as *"empowering my Elders to be able to speak up... I think a good day is when you go into training and you help them with their court submissions."* A DJAG manager noted that three of the team members brought *"about 45- 50 years' worth of [court] registry knowledge"*, and that *"they just relay that information back to the Justice Group, supporting the Justice Group in understanding orders and things like that – you know, being able to break those down for them."*

The other area where IJOs feel they enable CJGs is through building their networks across the justice system and service system, and advocating for CJGs with other stakeholders. An IJO spoke about his pride in assisting a new Murri Court coordinator to connect with other agencies through the stakeholder forum:

*"So I think that was one of my highlights, was actually seeing the stakeholder meetings being full with other stakeholders... You know, they see the importance of the Justice Group. They see the importance of the Elders being in the courtroom... They're supporting the Elders because the Elders support their programs. And you're just like, these are people that are here for the right reasons – they're here to support your program because of the Elders." (IJO)*

Another IJO described this role as assisting CJGs with *"walking between two worlds – the community and the justice system"* by helping them make new connections and encouraging them to connect with other stakeholders who can assist. Enabling these connections also means advocating CJGs' interests to other stakeholders, and sometimes advocating for funding or in-kind support. An example of this was securing additional support for the Townsville CJG to participate in the High Risk Youth Court.

This networking and advocacy role is appreciated by CJGs. A CJG Elder told the evaluation that *"the State has been good – we only had to ask for something and it was given."* A former CJG coordinator reflected on the value of the IJOs' support in supporting CJGs' initiatives:

*"[IJOs] were fantastic responding to any concerns or anything I thought could be better. I would approach them and let them know I think we should have Department of Corrective Services to deliver programs to the community for preventing domestic violence reoffending... So DJAG is excellent and they catered for and they sort of stuck up for [our community]. And we did get those services come to community, those programs." (Former CJG coordinator)*

A further capacity-building role played by IJOs has been around CJG governance and organisational capacity. Support might extend to day to day assistance and troubleshooting with issues around staffing, recruitment, business process, membership and dispute resolution. Governance capacity has become an even more pressing need with the recent funding enhancements leading to bigger organisations with more staff and greater complexity. There is some debate as to whether IJOs are best placed to provide this assistance or whether other options should be considered – this is discussed further in the next section.

The level of passion and commitment of IJOs towards their role is clear. The core staff of the IJO North team has been together for 8 years, with some staff serving much longer than that. This longevity in what

are difficult and not highly paid roles is testament to the commitment of the staff to the Program and to the CJGs they support. *“It shows that we’re very passionate about our work and what we do and what we can contribute and how we can support and enhance the CJG program. Otherwise they wouldn’t have hung around for this long”* (IJO). The staff are excited about the opportunities brought by the additional funds for CJGs, but it is evident that it has also created significant new demands for the team – the ‘growing pains’ experience by CJGs as their funding and operations expand and become more complex have also led to ‘growing pains’ within the IJP team.

Some stakeholders have raised concerns whether the Department is currently able to meet the support needs of CJGs, especially in this expansion stage of the Program. In the Statewide stakeholder survey, several stakeholders commented on this issues:

*“Some CJGs we deal with express an unmet need for training support through their justice officers”*

*“The only way to develop capacity is to spend in person time with people. This builds capacity, skills and knowledge. Sporadic approach or quarterly visits are a band aid fix and all capacity aspects from training, governance, resources can be achieved by more intensive targeted and extended visits”*

*“[Need] more interactions with IJO”*

*“Some [CJGs are] good, some not so good, need more intensive support from DJAG (not more money) to assist the organisations develop and strengthen”*

There are three dimensions to this issue:

- Is there a sufficient number of IJOs (and other IJP support staff)?
- Are the IJOs in the right location to provide support?
- Do the IJOs have the right skills to deliver the support?

There are currently 10 IJOs and 2 Manager positions. The evaluation notes that prior to the Murri Court funding being discontinued in 2012, there was a Murri Court Manager position and 6 Murri Court Case Coordinators based in Brisbane, Caboolture, Rockhampton, Townsville and Mount Isa.<sup>67</sup> When the Murri Court initiative was reinstated from 2015, however, these Murri Court positions were not reinstated, and support for the Murri Court process was instead taken on by CJGs (and IJOs, to some extent). As a result, an IJO in Brisbane now support the CJG to participate in the Rockhampton Murri Court and an IJO in Townsville now supports the CJGs to participate in the Townsville and Mackay Murri Courts. There is no longer a DJAG position based in Rockhampton to support CJGs and Murri Courts.

Furthermore, the DFV enhancement funding in 2017 brought two additional positions to the IJP team to assist with the co-design and training support for the 18 CJGs with these services. Both of these operate out of Brisbane and cover the entire State. One further position was also created to assist with the administration of grant funding.

The current situation, as illustrated in Figure 12, means that IJOs based in Brisbane have to support CJGs as far away as Rockhampton, Woorabinda, St George and Cunnamulla. IJOs in Cairns have to support CJGs across the whole of Cape York. The result of this is that many CJGs receive face to face visits only once a quarter. It also means that IJOs have less familiarity and fewer networks within the local courts, the local government and non-government service sector and the local communities where the CJGs are located. Given that IJOs consider the most valuable parts of their role as providing direct support to CJGs as well

---

<sup>67</sup> Queensland Courts, 2015. *Murri Court Reinstatement Feedback Report: December 2015*.

as building CJGs' networks within the service system, the distance is a significant barrier to their effectiveness. If their role was simply grant compliance, this would not be such an issue, but given the centrality of relationships to the IJO role, the current situation is suboptimal for CJGs that are distant from Cairns and Brisbane. The fact that most IJOs have to support between four to six CJGs each also means that many CJGs may not get the support they require. **The evaluation recommends that DJAG consider the establishment of IJO positions in regional centres closer to CJGs being serviced, and accordingly, consider an increase in the total number of IJO positions (RECOMMENDATION 3).** Obvious gaps at present are:

- Rockhampton, which could service Rockhampton and Woorabinda CJGs, and potentially Hervey Bay;
- St George, which could service Cunnamulla, St George and Goondiwindi;
- Weipa, which could service Mapoon, Napranum, Aurukun, Lockhart River and Coen.

The value of having staff located closer to communities was illustrated by the evaluators' interview with regional staff of DATSIP, who operate out of a much more decentralised network of offices, including many regional locations close to CJGs (e.g. Cooktown, Weipa, Cairns, Townsville, Mackay, Hervey Bay, Rockhampton, Toowoomba, Charleville, Ipswich, Caboolture and Logan). Many of these staff reported having almost weekly contact with CJGs.

A non-Government stakeholder queried whether the current classification of the IJO position (AO5 level) was in line with the extensive requirements of the roles. The level is perhaps reflective of the traditional focus of the role on grant agreement compliance, but as discussed above, the most important contributions of the role to the Program relate to meeting the complex support needs of CJGs and brokering improved outcomes across the justice and social services system. As a DJAG manager pointed out, a rare skill set is required:

*"You need Aboriginal engagement, cultural awareness, training, conflict management, and negotiation skills. You need contract management and the whole range of skills... [including] meeting facilitator... It's amazing how much you learn being in that role because you are at one stage just talking to an Elder for an hour on the phone, to then facilitating training, to then doing data and doing Service Agreements. (DJAG Manager)"*

To be effective enablers of the innovative and community-driven solutions that CJGs are pursuing, an IJO needs to have high level skills in innovation, problem-solving and facilitating cross-sectoral collaboration. IJOs also need a solid grounding in community development practice. **The evaluation recommends that DJAG review the classification of IJO positions to ensure it adequately reflects the complexity and skill requirements of the role (RECOMMENDATION 4).** Given the expansion of the CJG Program, a formal Job Evaluation Management System (JEMS) review might be warranted. Benchmarking against similar roles in other agencies may indicate that an AO6 classification would be more appropriate for IJOs.

The training provided to IJOs should also be reviewed to ensure it adequately equips staff for the demands of the role. For example, the evaluation believes the staff would benefit from more training in community development methodologies, such as participatory planning, co-design, place-based approaches (e.g. Collective Impact), stakeholder engagement, Indigenous community governance and monitoring and evaluation. The National Indigenous Australians Agency has in recent years developed place-based development training for its staff who work with community organisations in Indigenous communities. Given their place-based work within complex service systems and Indigenous contexts, IJOs would benefit from similar competencies.



A review of the IJO role classification would also necessitate a review of the IJP Managers' position descriptions and classifications. **The evaluation recommends that DJAG review whether the current division of responsibilities, level of specialisation and classification level of the IJP Manager positions adequately meets the needs of the CJG Program's expanded scope and complexity (RECOMMENDATION 5).** For example, there are only generic Projects and Operations Manager positions in Brisbane, working across all components of the Program, from CJGs, to DFV services, to Murri Courts, JP Magistrates Courts and other specialist courts. A more logical structure might involve Manager roles for each of these aspects of the Program, enabling Managers to have greater specialisation and expertise in particular areas.

The IJP team's capacity to provide adequate ongoing support for the DFV enhancement projects will be considered in more depth in the supplementary evaluation report on DFVE in May 2022.

## 5.5 Adequacy of training and development inputs

Part 3.7 provided an overview of the current inputs regarding training and capacity development for CJGs. In light of some of the current service delivery challenges faced by CJGs, as discussed in the review of Program outputs in Part 4, this section discusses the adequacy of current training and development inputs for CJGs.

### 5.5.1 Feedback about the current training offered by DJAG

In the Statewide stakeholder survey, respondents were asked in what areas CJGs need more support. In relation to 'Training', only 5% of stakeholders (who expressed an opinion) felt that CJGs 'Have enough support', 40% said they 'Need a little more support' and 56% said they 'Need a lot more support'. Respondents listed a wide range of perceived training needs for CJGs.

Notwithstanding that 'Operations of Court' training is mandatory for CJG staff and members, several respondents raised concerns that this training input was not meeting the need. Comments included:

*"I think most groups are left with little training in areas like court process, parole, domestic and family violence, supports available etc"*

*"Training packages provided by DJAG are insufficient - no DFV training happens, and the wider courts training needs to be improved"*

*"[CJGs need] Instructions on how they present submissions for court sentencing"*

*"[CJGs need] Training in sentencing options"*

*"Maybe just a matter of refreshers: As Elders they sometime need reinforcement of training to help with retention of information and upskill[ing] Elders to be more confident in court setting."*

*"CJG memberships are changing constantly, therefore training is needing to be on ongoing basis"*

These concerns were echoed in some of the evaluation's interviews with stakeholders, both in Brisbane and at Local Evaluation sites. Some stakeholders cited instances of CJG coordinators giving legal advice or advice contrary to a client's legal representative's advice. Two Magistrates were concerned that occasionally CJG coordinators included inappropriate material in sentencing submissions and CJG members sometimes provided information prejudicial to defendants. A defence lawyer highlighted that inadequate training in court process was a problem with some, although not all, CJGs:

*"I think that some of the people I've seen come into that [CJG coordinator] role, whether it's here or elsewhere, have not really been given any guidance or training in terms of what their role... the parameters of what role is, what they should and shouldn't be doing at court, and what their rights*

*are, or the rights are of the Elders in terms of input to the process. So submissions on sentence, submissions in bail applications, that sort of thing. I think I often find that I'm telling them, whether it's the Elders or the Community Justice Group, things that really if they were given the proper training that they need for the role that they [should] already know that.” (Defence lawyer)*

The lawyer went on to point out that this had real consequences for the outcomes for clients. In a recent case, a client in Murri Court was unexpectedly sentenced to jail, and during the debrief between the lawyer and the CJG, they agreed that more could have been said on behalf of this client. While there was also more that the legal representatives could have said, the lawyer felt that the CJG members having greater knowledge of the court process and their role in it might have given them more confidence to have input that could have swayed the Magistrate and kept the individual out of custody.

CJGs themselves have identified that they would like more training in relation to court processes. In August 2021, the Department conducted a CJG Training Needs survey, which 28 CJGs responded to (see Figure 36). Despite the existing court operations training being available, ‘Understanding Court processes’ and ‘Murri Court Training’ were identified as priority training needs by a significant proportion of respondents.

Training needs	Distinct
Domestic and Family Violence training	25
Peacekeeper/mediation training	20
Governance training (strategic planning, risk management, meetings, MOUs for sponsor sites)	19
Conflict Resolution	18
Help to understand service agreements and how to meet requirements (explaining contracts, roles of coordinators, roles of members, stakeholder relationships)	17
Understanding Court processes (courts operations - cultural reports, legislation, conflict of interest etc)	16
Murri Court Training	11
Help to complete attendance and submission forms	8
Help with community specific activity reporting	6
Help with quarterly performance reports	6
Mental Health	2
Anger Management	1
Financials	1
Justice of the Peace Training for Woorabinda	1
Knowing when Elders can intervene in court proceedings to add information to the Magistrate's considerations before sentencing.	1
Mentoring training and access to the Magistrate to update and inform	1
Restorative Justice training	1
Secondary trauma training	1
Training for auspicing bodies to know and understand their role and what the Elders, staff and CJG members can do if they feel the auspicing body is breaching an agreement or not performing as required.	1

Figure 35. Results of Survey of CJG Training Needs, August 2021<sup>68</sup>

The expansion of funding and activities for CJGs has led to high levels of need in relation to *governance and business processes*. While the Department has rolled out new training and resources in this area, especially for those CJGs that have been implementing new DFV Enhancement projects, stakeholders and CJGs themselves continue to nominate governance as a priority area of unmet training need. As indicated in Figure 36, ‘Governance’ was the third highest ranked training need by CJGs themselves, and other types

<sup>68</sup> A total of 55 responses were received from both CJG staff and members in equal numbers. Respondents were from 28 of the 40 CJGs. Respondents were asked to select their top 4 priorities from a list, which also enabled an ‘other’ response to be added.

of business process training are also high on the list, including help to understand Service Agreements, complete attendance and submission forms, community specific reporting, and quarterly performance reports.

In the stakeholder survey, on the topic of 'Governance', only 9% of stakeholders felt that CJGs 'Have enough support', 25% said they 'Need a little more support' and almost two-thirds (65%) said they 'Need a lot more support'. Themes from stakeholders' comments included:

- Growth in funding and expectations has increased the number of programs for CJGs
- CJGs need training around greater clarity of their role and functions and their scope of activities
- CJGs need more training around traditional good governance topics such as directors' responsibilities, conflict of interest and regulatory compliance

The Department's quarterly performance conversations with CJGs have confirmed that CJGs see a high level of need around governance and business systems. Following the conversations with 22 of the CJGs between February and July 2021, a third (33%) of these CJGs were considered confident and capable with their Business Systems & Management, 10% were considered to be at the beginning level and the remainder (57%) were considered to be able manage with support. High support needs are also indicated for the categories of Performance Reporting and Financial Reporting. On the other hand, almost two-thirds of CJGs were considered to be confident and capable in their Community Engagement capability.

### **5.5.2 Training gaps for CJGs**

In addition to court operations and governance, there are several other critical areas of CJG training need. The CJG Training Needs survey (see Figure 36) indicates that CJGs themselves see the top unmet needs as:

- Domestic and Family Violence Training
- Peacekeeper/Mediation Training
- Conflict Resolution

In the open-ended part of the survey, several respondents also mentioned training related to mental health, including secondary/vicarious trauma, self-care, Indigenous healing and suicide prevention. The responses imply that CJGs see mental health training as important not only for their work with clients, but for their own wellbeing. These issues were also raised in a number of the evaluation interviews with government and non-government stakeholders. Many people raised concerns about the safety and wellbeing of CJG members, given the challenging nature of the issues and clients that they are supporting, and the potential for increased scope of activities in very difficult areas such as youth offending, child protection, DFV and post-prison reintegration.

A further theme from interviews with program stakeholders is the need for more training for CJGs in some of the areas where they are partnering with other agencies and services. Part 4 of this report has documented how CJGs are in practice supporting the work of a wide array of services within both the justice and social service systems. The expanded funding for CJGs will only increase this. Stakeholders were concerned, however, that this means Elders and members of CJGs getting involved in areas where they have no professional training and sometimes limited understanding of agency processes and structures. Visits to prisons are one example. Many stakeholders believe agencies that take advantage of Elders' cultural knowledge and skills should make sure they have the training necessary to work safely and effectively in these areas. The report on the consultations with CJGs on the funding enhancement in late 2019 noted that CJG members would like accredited training for some of the work they do informally

– such as mediation, interpreting, counselling – so they could be recognised and also remunerated for their skills.

### **5.5.3 Challenges faced by DJAG in providing training and development to CJGs**

In discussing the CJG Program’s training and development inputs in Part 3.7, the report outlined the considerable efforts by DJAG to deliver targeted training and hands-on capability development to the 40 CJGs across the State. Despite these efforts, the feedback above from stakeholders and CJGs themselves indicates high levels of unmet training needs, which are confirmed by the Department’s own ‘quarterly performance conversations with CJGs’. This situation has emerged through a combination of a rapid expansion in the level of CJG need combined with resourcing and logistical challenges faced by DJAG in responding to the need.

The increase of funding to CJGs has led to an increase in staff and therefore training need. Some CJGs have had a high turnover in key roles. Increased funding has also increased the administrative complexity of CJG operations, with new activities and projects being implemented.

At the same time, the human resources for the program within the Department did not increase. The IJP approach has always been to favour face-to-face visits and applying the training to the CJGs context has generally been the most successful. For example, working with them on their own budget rather than running a generic session on budgeting – or at least following up generic training onsite. This is a time-intensive approach, and IJOs are stretched to sustain the required work on the ground from court based, contract compliance, program measures, staffing and governance. IJOs naturally tend to focus with the CJGs on the most pressing areas, which are often operational rather than longer-term capacity development. The current number and location of IJOs limits the amount of time they are able to spend at each CJG site.

The COVID-19 pandemic has impacted training since 2020. While some CJGs have adapted quickly to online training, enabling additional sessions to be offered, on-site visits are still best practice to engage with CJGs in culturally appropriate ways.

### **5.5.4 Ensuring training inputs meet CJGs’ needs**

In the current growth phase of the CJG Program, the training input is critical for the Program’s success. The evidence outlined in this Part shows that this input needs enhancing to meet the rising level of need.

Given the high level of demand on CJGs, a potential barrier is whether CJGs will prioritise training. However, the evidence from IJOs’ interactions with CJGs suggests that CJGs are actively seeking more training. In their quarterly conversations, the CJG and IJO identify the matters requiring follow-up. A tally of the most common issues for follow-up based on responses from 22 CJGs is set out in Figure 37. By far the most common identified need is training, followed by capacity-building.

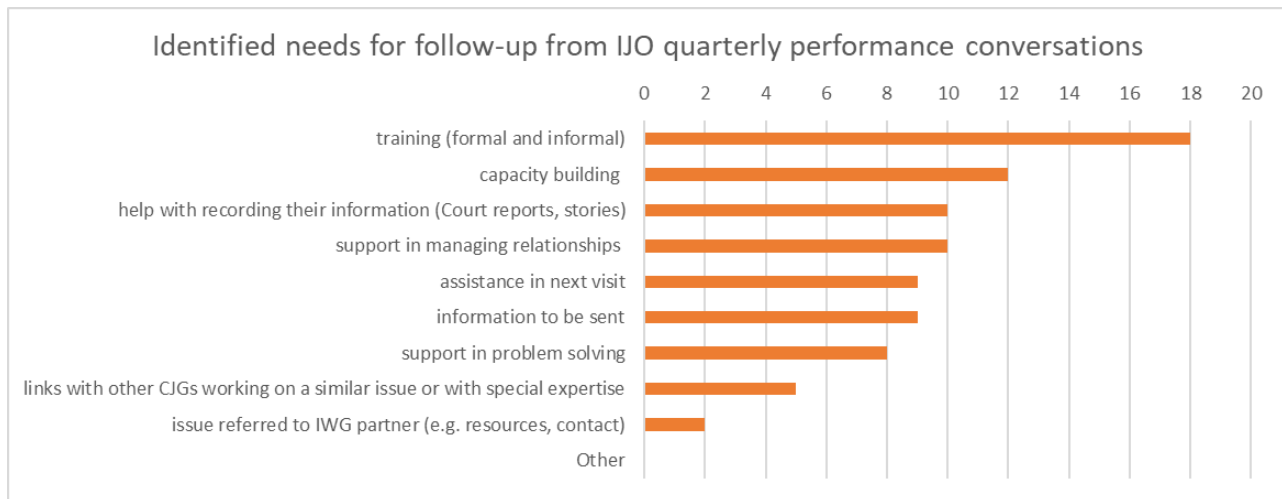


Figure 36. Data from IJO quarterly performance conversations with CJGs, Feb-Jul 2021

In interviews with stakeholders and CJGs, the evaluation sought feedback on how CJGs can be supported with more training and capacity-building. Some themes emerged about the optimal way for CJGs to receive training. Several stakeholders emphasised that training needs to be place- and context-specific, rather than generic. This was especially so for court operations training, given the wide variation in how courts function and the different preferences of Magistrates. For example:

*“[Training] has to be locally based because the issue that we have is that all the Magistrates are different and they all work differently and they all operate differently. So you could provide the Community Justice Group with the perfect training and then it gets to the Magistrate, who says ‘I don't want that. And I want this...’ And I think, you know, if a new Magistrate comes in, we really need to reset and say for each of those local Community Justice Groups, okay, they need to then spend a few hours of training with this new Magistrate and working through what's required... And I think that's where government gets it wrong. A lot of the times it's a one size fits all and as we know, that doesn't work for our communities at all.” (NGO stakeholder)*

A further theme is that training should be ongoing, rather than one-off. There is turnover in CJGs, and staff and members also need refreshers and opportunities to build their knowledge incrementally. Training should also be practical and hands on. Examples of effective training included conducting mock court proceedings or visiting a well-organised CJG to attend court with that CJG. Box 18 illustrates that effective capacity-building might involve coaching and mentoring on the job rather than traditional content delivery. IJP has prioritised approaches that contextualise training material to the real world environment of CJGs.

**Box 18. A story about effective capacity-building**

---

*“We did the first show court, or shadow court day with a new CJG worker. During capacity building sessions, those recruited into a position are required to build relations – stakeholder engagement – and the starting point was court stakeholders. We arranged a pre court meeting with a circuiting Magistrate. The new CJG worker was extremely nervous. She was really very on edge... but she sat down and spoke with the Magistrate, spoke about her connection and family. She started to feel a little bit at ease ... you could see her a little bit de-stressing throughout the court. The Magistrate called upon her a couple of times too during breaks, to keep that engagement element going and this really resonated with the staff, as they felt included and heard... At the end of the day, the new worker came to myself and the CJG coordinator, and said how proud she was that she's now got employment, that she felt empowered, and she was about to go home and tell her family about her interactions with the Magistrate and all about today.” (DJAG officer)*

---

Some stakeholders questioned whether the current approach of DJAG officers delivering training was the best model for CJG capacity-building. It was noted that the IJOs have a compliance role around Service Agreements, which may make it difficult to pivot to a supportive, capacity-building role. On the other hand, the evidence set out in Part 5.4 suggests that IJOs do play a very important capacity-building and support role for CJGs in practice. They seem well-placed to provide court operations training to CJGs, especially given many of them have extensive prior experience in the court. They could not, however, be expected to be able to deliver the full range of training on the various topics that have been identified as priorities for CJGs, as they would have neither the time nor the expertise.

CJGs have some flexibility in their budgets and are currently able to allocate some of their own funding for training for staff and members. This can include payments to members for attendance at training, although this may affect pensions for retired members. The evaluation does not have data to date on how much CJGs are themselves spending on training and capacity-building – this information is not evident from Service Agreements or financial acquittals. It is not clear whether CJGs’ ability to apply their own funds to training is sufficient to meet their needs. During the roll-out of the new funding, some CJGs have not been able to spend their entire budgets or have not yet scaled up not their full allocations, so there may be scope for CJGs to use existing resources to address training gaps. The way CJGs are approaching their own training and development needs will be investigated further in Phase 2 of the evaluation in 2022. The evaluation suggests that DJAG undertake some analysis of CJG budgets to understand what proportion of their funds are currently spent on training and development, as this information was not available to the evaluation in Phase 1.

Several government and non-government stakeholders interviewed by Myuma noted that training for Indigenous community-controlled organisations (CCOs) in other sectors, such as child protection and health, is delivered by ‘peak bodies’, funded by the same agency that funds the operations of the CCOs. The advantage of this approach is that capacity-building is done at arms-length from the funding agency, by another Indigenous organisation that can develop culturally appropriate resources and delivery models for training. The Queensland Aboriginal and Torres Strait Islander Child Protection Peak is also funded to provide on the ground supervision for community-controlled services, research into sector-wide issues and a platform for sharing resources and good practice across the sector.

There were mixed views amongst stakeholders about whether such a peak body for CJGs would also have an advocacy role. One stakeholder was concerned that this would take away from the local voice of CJGs. Others thought that CJGs needed a stronger collective voice. Peak bodies are membership-based, so they

involve the CCOs from the sector signing up as members, and paying fees and electing representatives. It is not clear whether CJGs have an appetite for this.

An alternative model is for DJAG to simply contract out the function of providing ongoing training and capacity-building for CJGs under a competitive tender. An existing Indigenous NGO might take on this role, or even a current CJG or consortium of CJGs. The service provider would play the role of a 'secretariat' to support CJG capacity-building and information-sharing, rather than a peak body representing or advocating for CJGs. Such an organisation could facilitate a culturally-appropriate 'community of practice' for CJGs – something that would be difficult for DJAG to do as the manager of the funding program. The service provider would need to demonstrate delivery capacity across the State, in remote as well as urban and regional contexts, where the needs are quite different.

Another alternative proposed training model suggested by an NGO stakeholder is for DJAG to set aside a pool of funds for CJG training and appoint a panel of preferred suppliers for different types of training. This would create a type of 'user choice' system, whereby CJGs could choose who they wanted to receive training from and apply for DJAG to engage and pay for the training provider. Each CJG could be allocated an entitlement to access up to a set annual amount for training from the Statewide training fund, which they could access according to their own priorities. IJOs could assist CJGs to develop an annual training plan and act as brokers, assisting CJGs to connect with training providers and access the available pool of funds. To optimise use of training budgets, several CJGs could collaborate to share the costs of a training program. An advantage of this approach is that training would be more likely to be delivered by local providers with existing relationships with a CJG, rather than a Statewide secretariat. CJGs would also be able to access a more diverse range of experts in different fields, such as lawyers, governance experts, community development practitioners, mediation trainers and psychologists. This model would give CJGs more self-determination in developing a plan to meet their training needs.

An approach to training could use a combination of the above options, with some state-wide training packages and resources developed and delivered through a secretariat service provider and some flexibility for individual or groups of CJGs to access more tailored training.

#### 5.5.5 Recommendation for a CJG Capacity Development Program

The evaluation finds that current training and development inputs, which include training and support delivered by DJAG as well as training accessed by CJGs themselves, are not meeting the capacity-building needs of CJGs as they expand their activities with the recent funding enhancements. This is evident from stakeholder feedback, as well as the self-assessments by CJGs and IJOs during 'quarterly performance conversations.' The full potential of the Government's investment in CJGs will not be realised without a commensurate investment in training and other support for these crucial organisations in tackling Indigenous over-representation in the justice system. The Queensland Government has highlighted strengthening the Indigenous community-controlled sector as central to its plan to achieve the new Closing the Gap targets (including reducing over-incarceration of Indigenous people). Yet there is a gap in support for CJGs, which are proven incubators of innovative community-driven solutions to the complex challenges confronting Indigenous people in the justice system.

**The evaluation recommends that DJAG develop a comprehensive CJG Capacity Development Program to meet the priority training and capacity-building needs of CJGs for the current growth phase of the CJG Program and beyond (RECOMMENDATION 1).** The scope of the Program should include:

- (a) training needs related to governance, program management, court services and DFV (currently the focus of IJP's training offerings)

- (b) the broader training needs identified in the CJG Training Needs Survey and the feedback to the evaluation, which encompass areas such as mediation/peacemaking, conflict resolution, mental health, trauma, Indigenous healing and self-care
- (c) training needs in areas where CJGs are supporting other agencies (e.g. corrections, child safety, youth justice).

Other government agencies should be involved in the development (and potentially the delivery) of the Program with the respect to the training needs mentioned in the paragraph (c). The needs of both CJG staff and members should be considered in the Program. Developing CJG staff quality benchmarks and CJG service standards should be explored as a means to assist CJGs to assess their own training gaps. CJGs should be consulted about the options for delivery models for the Capacity Development Program (e.g. enhancing DJAG training, outsourcing to a peak body or secretariat, creating a dedicated training fund, or assisting CJGs to apply their own funds to training). A range of options for resourcing the CJG Capacity Development Program should be explored, including enhancing IJP capacity to deliver training (e.g. extra staff or travel budget), setting aside a portion of the current CJG Program budget, working with CJGs to apply their own budgets to training, and seeking additional Queensland Government funding for the Program. An analysis of CJGs' current use of their budgets for training and development should be undertaken to inform this work.

## 5.6 Opportunities to enhance other Government agencies' support for CJGs

Another input that contributes to CJG operations is the support received from Government agencies other than DJAG (see Part 3.8). Examples given by Government agencies in the stakeholder survey illustrate the ways in which agencies may provide support for CJGs to pursue their objectives. On the other hand, many of the examples provided by Government agencies of 'support and working together' in fact involved making demands or requests of CJGs, such as asking them to attend meetings or provide advice to the agency.

Some respondents to the survey appeared to recognise that the benefit from the relationships between CJGs and government agencies was too often one-sided and that agencies need to provide more support:

*"[CJGs] need to be supported more by agencies asking them to do work for them or assist them in some way"*

*"More awareness [is needed] of how other agencies could assist to strengthen the CJGs skills and resources"*

In the evaluation's interviews with Government stakeholders, which were mostly with Statewide, Brisbane-based staff, few examples were offered of situations where their agencies provide support to CJGs. There was an acknowledgment, at least in general terms, that more could be done by agencies that demand a lot of CJGs.

The risks to CJGs' sustainable operations from the demands of Government agencies was highlighted in the discussion in Part 4.13.5. This discussion underlined that further work needs to be done by Queensland Government agencies to properly negotiate the scope of their partnerships with CJGs, to ensure they are equitable and properly supported, including with in-kind and financial resources where appropriate. **The evaluation recommends that the CJG Inter-departmental Working Group (IWG) reviews the evaluation data regarding the work that CJGs do to assist Government agencies, and considers strategies and measures to ensure this does not affect the sustainability of CJGs, such as providing additional training and in-kind or financial resources to CJGs to support these activities (RECOMMENDATION 11).** The evaluation will be exploring best practice models for agency-CJG



partnerships in Phase 2, which could contribute to a set of protocols or a guide for good partnering with CJGs.

The evaluation has also highlighted that some CJGs provide assistance to community members to access services and support in a wide range of areas not directly related to criminal justice. This is especially the case in regional and remote areas, where community members may not have access to services or may perceive services as not ‘culturally safe.’ This issue and some potential solutions were discussed in Part [4.12](#). **The evaluation recommends that the CJG Inter-departmental Working Group (IWG) reviews the evaluation data regarding the work that CJGs do to assist community members to access services or supports ordinarily provided by other agencies, and considers strategies and measures to mitigate this burden on CJGs (RECOMMENDATION 12).** For example, strategies to consider include improving service access at CJG locations, organising service ‘musters’ (where several agencies collaborate to periodically provide coordinated access days) or specifically resourcing CJGs as agents or referral points for certain services.

## 5.7 Support for Elders and community members

### 5.7.1 Current challenges

As Part [3.10](#) outlined in the discussion about the community volunteering input for the CJG Program, Elders and respected community members participating in CJGs as volunteers have been the backbone of CJGs since the 1990s. There is now resourcing available for CJGs to remunerate members, but establishing viable schemes have proven challenging for some CJGs. A key issue for the Program’s sustainability continues to be how to provide adequate support for the community members who are so important to the Program’s delivery. A prominent theme in the evaluation interviews to date has been the view that many CJG members are ageing and tired and there are too few people coming through to replace them. A former remote community CJG coordinator from 2003 to 2012 told the evaluation how the CJG began to struggle as the original members became very elderly or started suffering dementia or even passed on.

*“It became a struggle when you start losing them and it opened up to non-Elders... There was a big shift in groups at that time, when we realised you’re not going to have the Elders, the knowledge... forever... And that’s where I think... that justice groups began to struggle.” (Former CJG Coordinator)*

A court stakeholder was also concerned about the burden on Elders: *“There’s not enough of them. We’ve got a lot of kids getting in trouble, we’ve got a lot of young adults getting in trouble, and I have a fear that what we’re making the Elders do at the moment could burn them out. So I think it’s a great working situation at the moment, but I just hope it is sustainable because our Elders are not terribly young either. They all have health issues.”*

Several stakeholders raised the need for more succession planning for CJGs, to deal with the burnout of Elders. A government worker told the evaluation how she regularly came across *“just exhausted women who’ve been doing this for a very long time.”* A stakeholder responding to the Stakeholder Survey noted that *“Members of the CJG seem to be ageing with no apparent replacements identified and emerging to take on the role. There seems to be a generational gap that is not interested in continuing the work of mediators.”*

Two central themes in the discussions about recruiting more members for CJGs were firstly, the need to get more men involved, and secondly, the need for more young people to be involved. The need for CJGs to attract more male members was raised in many of the interviews for the Local Evaluations, by both CJGs and other stakeholders. The review of the issues register for IJOs indicated that this has also been

raised in many other CJG locations. Throughout the history of CJGs, women have often outnumbered men. Interviewees had different explanations for this – most commonly it was felt that respected men in the community typically had jobs and found it hard to find the time to be involved. Whatever the reason, it was noted that for many CJGs the majority of clients were boys or young men, and that *“these kids really need Indigenous male mentors.”* Some respondents felt that men would be more likely to step up to paid roles, such as delivering programs on weekends.

The evaluation also heard numerous comments about the need for CJGs to attract more younger people.

*“The younger people probably need to start stepping up to take a bit of that pressure off the Elders”*  
*(Indigenous NGO stakeholder)*

*“So I would like to think that now that that's showing some signs of success, that there could be an expansion of the Justice Group in Cairns to recruit a further group of Elders because there are plenty of them around. There could be young Elders that become involved just so we don't lose it if those particular aunties actually have to retire from it”* *(court stakeholder)*

CJGs mentioned that older age was not a requirement for membership, because respected members of the community could be members as well as Elders.

Another issue raised by some stakeholders was the need to diversify the membership of some CJGs to ensure a wider range of families are involved. In some locations, it was noted that the current membership was drawn from a small number of families. In discrete Indigenous communities, legislation requires that the formal statutory membership include defined family groups (and sometimes local organisations), but in practice the active members of a group may be from only certain families. Some Murri Court stakeholders noted the importance of having Elders or respected persons from a diverse range of families so that the person who is providing guidance to a client is someone who has some connection with them.

While there was strong consensus amongst CJGs and stakeholders about the need to attract new members, there was also recognition that there are some challenges with recruitment. A key issue is how to ensure members are of good standing. An IJO reported that one remote community CJG's efforts to recruit additional members foundered when the prospective nominees were found to be involved in sly grogging.<sup>69</sup> Criminal history checks are undertaken as part of recruitment for CJGs in discrete communities. DJAG's consultations with CJGs on this requirement revealed mixed views, with some CJGs saying it was unduly barring many otherwise suitable candidates, while others felt it was useful to enforce a standard for membership.

Issues around membership, including appointment of new members, have caused considerable conflict within some CJGs. In the non-statutory groups, membership is entirely a matter for the CJGs themselves, but DJAG is often drawn into these issues as the funding body. The Department tries to provide a support role to help CJGs work through these issues (for example, by helping to arrange mediation). One stakeholder expressed the view that the Department should be more interventionist, however, because conflict within one CJG was seriously affecting the Murri Court.

### 5.7.2 The way forward

Succession and renewal for the Elders and respected persons that are the driving force behind CJGs is a major sustainability challenge for the CJG Program, an issue that was also highlighted in the evaluation of

<sup>69</sup> IJP Issues and Successes register, 2021.

Murri Courts.<sup>70</sup> CJGs themselves nominated this as one of their main organisational priorities when they workshopped a vision statement during consultations with DJAG in late 2019 (see Figure 3 in Part 1.4). Stories of success from the CJG evaluation to date highlight how important the members are to the success of CJGs. Being able to remunerate members better is a partial solution to the issue of CJG succession, but CJGs are still reporting difficulty attracting new members.<sup>71</sup>

**The evaluation recommends that DJAG develop a strategy to provide more assistance to CJGs to address pressing membership challenges, including succession plans for ageing membership, improving gender and age balance of membership, establishing workable remuneration arrangements, and implementing dispute resolution processes to address internal disputes (RECOMMENDATION 8).** This strategy could be incorporated in the recommended CJG Capacity Development Program – for example, through undertaking research and developing resources and training materials to assist CJGs, or outsourcing this support to a peak body or secretariat. Research could look at:

- how to address the apparent gender imbalance in current CJG membership at many locations;
- how more young people might be attracted to be part of CJGs – for example, assisting to deliver activities such as camps, women’s groups and men’s groups;
- sharing of good practice around member recruitment processes, ensuring appointed members are of good repute;
- resources on effective dispute resolution policies and practices for CJGs.

Some of this evidence will be collected in the current evaluation – examples to date include the Normanton CJG’s bingo nights to attract more involvement of Elders and the Rockhampton CJG’s rigorous new application process for recruiting members to the CJG. There is also much to be learned from the Not for Profit sector about how to attract, manage and reward volunteers.<sup>72</sup>

## 5.8 Empowering communities with data

For CJGs to pursue ‘local solutions to local issues’, official data about the community is an important input for them to plan and prioritise their activities, and to measure their impact. Historically, however, government practices have been highly restrictive around the sharing of data. This has started to change, assisted by technology, and increased government commitment to ‘open data’ policies. For instance, it is now possible on the QPS website to view and download data on the number and type of reported offences in any Queensland police district for the past 20 years.

In the Queensland Government’s recent Closing the Gap Implementation Plan, one of four ‘priority reforms’ is ‘Shared access to data and information at a regional level’. The Outcome sought is:

---

<sup>70</sup> Ipsos, 2019. *Evaluation of Murri Court*, p.83.

<sup>71</sup> A review of IJO records of issues raised by CJGs shows that attracting new members is a recurring theme of discussions in many sites, including Lockhart River, St George, Tablelands, Doomadgee, Normanton.

<sup>72</sup> For example, the Institute of Community Directors Australia has resources and runs training on attracting and managing volunteers: see [www.communitydirectors.com.au](http://www.communitydirectors.com.au).

“Aboriginal peoples and Torres Strait Islander peoples have access to, and the capability to use, locally-relevant data and information to set and monitor the implementation of efforts to close the gap, their priorities and drive their own development.”<sup>73</sup>

In the fieldwork to date, however, the evaluation has not found examples where CJGs are actively accessing and using official data in their planning and delivery of activities. Likely reasons for this are that CJG staff may have limited data capabilities, may not be aware of available data, the data may not be available in easily understood formats, or access to data may still be too restrictive. Yet in the case of discrete Indigenous communities, the Queensland Government Statistician’s Office produces StatShot, a simple profile containing data for a range of key community indicators, such as health, education and training, assault-related injuries, child safety, youth justice, victims, imprisonment and domestic and family violence. StatShot would be invaluable for CJGs in these locations to plan and measure their activities, yet the evaluation is not aware of CJGs accessing these profiles. It is likely there are many other under-utilised sources of publicly available data that CJGs are unaware of.

**The evaluation recommends that DJAG develop strategies and resources to assist CJGs to access, understand and use official data in their planning and implementation of activities. This could be incorporated in the recommended CJG Capacity Development Program (RECOMMENDATION 10).** For example, resources and fact sheets could be developed for CJGs about the range of data available. Webinars or workshop sessions could be dedicated to this topic. The evaluation’s *Our Community Justice* communications platform is an opportunity for government to promote the availability of data for CJGs.

## 5.9 More sharing of good practice

One of the key program inputs identified in Part 3 was ‘knowledge of what works.’ It was noted that CJGs have regularly expressed a desire for coming together more often to share good practices, but that this has not often been possible. Statewide or regional CJG forums have been held in the past, but the cost of these forums means that only a limited number of people can attend and they can only be held occasionally. The evaluation encourages more such forums and notes that they are planned for later in 2022. In addition to these events, the evaluation suggests that there should also be more systematic avenues in place for regular information-sharing and collaboration between CJGs. This was a recurring theme of KPMG’s report on the blueprint for the CJG program based on consultations with CJGs in late 2019. Recommendations in the blueprint report included:

“Mechanisms for information updates (e.g. on leading local or international research or changes in legislation) need to be considered and options for scaling up leading practice to allow positive results to be replicated and improved across all communities in Queensland.”

“CJGs should be enabled to develop an ongoing CJG network to support each other, build their knowledge base and advocate for change collectively. This could include building a network through an online communication platform, a newsletter, and quarterly or half yearly gatherings or forums.

---

<sup>73</sup> DSDSATSIP. (2021). *Queensland’s 2021 Closing the Gap Implementation Plan*. Queensland Government. <https://www.dsdsatsip.qld.gov.au/resources/dsdsatsip/work/atsip/reform-tracks-treaty/closing-gap/closing-gap-implementation-plan.pdf>

Once established, examples of innovation and program adaptations could be shared across the CJG network.”<sup>74</sup>

The *Our Community Justice* communications platform created by Myuma for the evaluation will facilitate the sharing of research and information about leading practice to CJGs. Just as important as providing information through emails, social media posts and website updates, CJGs would benefit from an interactive ‘community of practice’. To start facilitating connections between CJGs, *Our Community Justice* has been convening monthly informal ‘coffee catchups’ over Microsoft Teams. It is hoped that this will evolve into a community of practice.

**The evaluation recommends that DJAG encourage and support CJGs to make full use of the *Our Community Justice* platform to share good practices and connect with other CJGs over the remaining two years of the evaluation (RECOMMENDATION 13).** The platform should be reviewed at that time, and further consultations held with CJGs as to whether it is meeting their needs for collaboration and information-sharing. DJAG should then ensure that the platform continues to be funded, taking into account CJGs’ feedback.

The evaluation also heard that the level of awareness of many stakeholders about the roles and functions of CJGs and Murri Courts is low in many locations. It was suggested that more work should be done by DJAG and by CJGs themselves to promote awareness about the CJG program. **The evaluation recommends that DJAG work with CJGs to promote and raise awareness about the work of CJGs and Murri Courts (RECOMMENDATION 14).**

## 5.10 Legislative changes

Part 3.12 outlined the various legislation that is relevant to the functions of CJGs – notably the ATSIJLOM Act governing the ‘statutory CJGs’ in discrete communities and the various sentencing legislation empowering CJGs to provide advice to courts. There have been considerable issues with the ATSIJLOM Act over the years. In late 2019, DJAG consulted with CJGs about the legislation, and issues raised included:

- The length of time it takes for the Government to approve and gazette members
- Inflexibility in the membership quotas and structures of CJGs in the legislation
- The need for criminal history checks
- Duplication of reporting requirements in the Act and the funding agreements
- Difficulty in practically complying with the detailed and inflexible processes for statutory CJGs set out in the legislation.

The evaluation understands that a review of the ATSIJLOM Act has been underway for some time. It is suggested that this review needs to be expedited to address the issues that have been raised and simplify the legislation for discrete CJGs.

No concerns have been raised in previous reviews or in the consultations for this evaluation to date about the legislative provisions for CJGs to have input into court proceedings. These provisions create a sound legal foundation for CJGs to play an active role in the courts.

Issues have sometimes arisen, however, around the ability of CJGs to access information or be involved in certain justice system activities. For example, to be most effective in providing advice to the court about

---

<sup>74</sup> KPMG. (2020). *Community Justice Group Consultations: Community Justice Group Service Delivery Blueprint*, p.27.

a client, CJGs need to know about the charges that the client is facing, which is contained in the police Court Brief, known as the QP9. The evaluation understands that whether police are prepared to share the QP9 with the CJG differs from location to location. Other functions that CJGs are asked to perform, such as advising correctional authorities whether it is appropriate for a released prisoner to return to a location, may also require the CJG to access confidential agency information. The legal basis for CJGs being able to access this information may not be clear.

A stakeholder suggested to Myuma that the legal framework for CJGs' involvement in various activities within the justice system may need to be reviewed, and that this would be an opportunity to strengthen the role of CJGs. The stakeholder referred to New Zealand legislation that empowers Indigenous groups with specific rights in their interactions with courts and child protection agencies. Another stakeholder noted that the *Family Responsibilities Commission Act 2008*<sup>75</sup> has specific powers for the FRC to request information from agencies to assist its work with clients. The evaluation will be exploring these issues further in the next phases, to identify whether there are ways that the legislative framework for CJGs could be strengthened to make them more effective.

---

<sup>75</sup> See Part 8 of the Act.

## 6 Is the Program making a difference? (Preliminary evidence)

### 6.1 Introduction

As discussed in Part [2.3](#), the scope of Phase 1 of the evaluation is focused on implementation of the CJG Program, rather than the Program's outcomes. The CJG Evaluation Framework and the Evaluation Plan place the review of Program outcomes as the focus for Phase 3 of the evaluation, in 2023.

However, in the process of collecting data about the Program's inputs and outputs for Phase 1, the evaluation has gathered much evidence about outcomes being achieved by CJGs. It is outside the scope of this Phase 1 report to provide a detailed assessment of this evidence, but the report is an opportunity to present some of this evidence in a preliminary manner. This Part, therefore, highlights some of the qualitative feedback about Program outcomes and some of the powerful stories of CJG impact that the evaluation team has heard from stakeholders and clients.

### 6.2 Stakeholder perceptions about CJG impact

A striking feature of the interviews with three Magistrates during Phase 1 of the evaluation was how positive all of them were about the impact of CJGs and especially Murri Courts. While this is a small sample of the Magistracy, these Magistrates have considerable recent involvement with CJGs and two of the Magistrates have been working with CJGs for over a decade, while one has worked with CJGs for the past few years. These Magistrates all value the advice that they receive from CJGs in sentencing Indigenous offenders, as discussed in Part [4.7.5](#). However, the *real* value they see in CJGs is the impact that they have on Indigenous people coming before the courts, and Magistrates are well-placed to assess that impact. The following comments are illustrative:

*"I know that my Murri Court is really effective at reducing the level of recidivism in defendants coming before the court. I think there are some stats around that and that they do seem to have longer breaks [before] returning to offending... it might take a couple of times for people to progress through the Murri Court process before it's fixed..." (Magistrate 1)*

*"We get a pre-sentence report at the end, just before they are sentenced and a lot of them [defendants] do say contact with the Elders has made them feel better about things. And you can see that in real terms, just by observing the reactions of the defendants when the Elders are speaking to them in court. So I think it makes a big difference. Because there's a real shame for the majority of them – in cases where the Elder knows the participant personally, even more so is the effect." (Magistrate 2)*

*"We haven't sentenced anyone to actual custody since 2012. And that's been something that we have all striven to achieve. If someone's looking like they have to serve time in custody, we just hold on to them, give them more things to do so that they can build up more mitigating circumstances and extend the time in community. But of course, we do exclude people. So the Elders really impress on participants how serious this process is and that it's not an easy option or soft option." (Magistrate 2)*

*"Truly, these kids that I've seen go through [Cairns] Murri Court... like while I thought it was a great initiative and I was really keen to give it a try, I still wondered whether those kids were going to be too tough a nuts to crack. But I've just seen... the Elders just seem to be sprinkling magic dust around and these kids are just changing. So whether it's just that, I don't know, they're just making some connections with family that they didn't know they had or feeling better about themselves... I don't care why or how, it's just happening. So fingers crossed that, you know, these kids stay out of trouble*

*for ever, but even if it's just for a six to 12 month period, rather than continuing on, it'll make a big difference to these kids." (Magistrate 3)*

At all of the five Local Evaluation sites, various stakeholders commented positively on the impact of the CJGs in assisting Aboriginal and Torres Strait Islander people in the justice system and often in other areas of life. At Mackay, in particular, stakeholders were very positive about the impact of the Pioneer Murri Court Elders group. Many of the stakeholders from Indigenous NGOs and government agencies at Mackay expressed the view that the Murri Court had improved the behaviour of Indigenous youth.

*"And since Murri Elder Court, has been going, it's been really it's been really good because a lot of our babies are not in the courtrooms. So we're absolutely stoked." (Indigenous NGO stakeholder, Mackay)*

*"I feel very strongly about this program. And I see a lot of great outcomes in and through those outcomes. It's how kids we don't have as many kids going through the system. We don't have as many kids getting sent away, you know, to the detention centres and stuff.... The Elders are doing a fantastic job, with the education and the talks and what [the Coordinator] is doing with the program she does and how she built up that relationship with all these kids. But it's also with the court system and the reputation that [the Elders] have with the court and how they view [them] is just amazing because they hold [them] in such high regard." (NGO stakeholder)*

*"If the Elders weren't here in the Murri Court, we'd be losing these children to the system." (Indigenous community member)*

*"I see that our Elders are accepted in the courtroom and our judge really respects our Elders... And we know our kids look for them, especially our children that are in care and who's going through the courts and stuff like that. But just to have our Elders there, it's just a big plus. Because we've worked side by side in community and then to actually see where they have come from. Then to today, it's unbelievable. Because a lot of our kids have been in a lot of trouble." (NGO stakeholder)*

It is notable that many of the stakeholders in Mackay spoke about how the Murri Court Elders Group were working to support young people as part of a coordinated network of Indigenous NGOs and government agencies that employ Indigenous case workers. A theme from the Local Evaluation was that the CJG was not working in isolation but part of an integrated service model where many services were contributing to the outcomes, using a deeply cultural, strength-based approach. This approach is evident from the exchange in Box 19. Stakeholders mentioned that this had not always been the case, but a major shift had occurred in recent years when Indigenous staff of NGOs and government agencies had come together to develop this network through fortnightly reference group meetings. This had been empowering for the staff and they were seeing the results.

The Mackay case study shows how CJGs can be most effective as part of a well-integrated service network that puts individuals at the centre and takes a cultural strength-based approach. The next phases of the evaluation will be exploring what this looks like in other Aboriginal and Torres Strait Islander communities.



### Box 19. A cultural strength-based approach

*Myuma evaluator: It seems to be a good support mechanism through your stakeholder reference group meetings that you have nearly every fortnight. You seem to be supportive of each other and looking for the best outcomes for the client and putting all your resources together. I just noticed that relationship, what makes it work?*

*Indigenous NGO staff member: It's because we have Aboriginal mob working with Aboriginal mob, we have Torres Strait Islanders working with Torres Strait, [South Sea Islanders] with the islanders. We also work from our perspective. We know what it's like as an Aboriginal woman. I know what family looks like. I know when I come to work, I'm working with some of my mob... And that's why it works for us. So we're not looking at them from that white man's point of view. We're not looking at them with those colonised eyes. We're not looking at them thinking that they're incapable and they can't do anything. We know they can, and we just have to push them, we just have to encourage them, we just have to find a way to get them to know that they are deadly, and they are strong.*

## 6.3 Stories of success

A hallmark of the evaluation's Appreciative Inquiry approach is that the evaluators have sought out stories about what it looks like when things are working. Not in theory, but in the real world. The following stories are some of the highlights from Phase 1, and illustrate what the CJG program looks like when it is making a difference.

### 6.3.1 A community worker's story

*We had one of our young fellows come through. This young boy is very traumatised, hasn't had a lot of family connection around him. And it's thank you to the Murri Elders Group that he's actually been connected. I ring [the Elders coordinator] and say, 'Hi, sis, what can we do? Can you come and talk to such and such, you know?' She rings them when they're in Cleveland [Youth Detention Centre], you know... And that young boy, he was in a bad way. But because our Elders are here, he just seems different. I see him all the time. I see him every week just about and I've noticed a change in him. It's just, I don't know, he's just connected. He belongs. And it's really nice to see because this little boy went through a lot of stuff. It's really good. And it's good to see that everybody is slowly working together, because before we were all disconnected. (Indigenous NGO worker, Mackay)*

### 6.3.2 A lawyer's story

*Well, I had a client who was very close to going to jail. He was actually in the watchhouse when I reached out to Aunty [X], who was the previous [CJG] coordinator. She knew the client quite well and was willing to, in the first instance, come to court for his bail application and say, 'look, I'll support him if he's released on bail, I'll make sure he gets to his bail address, I will check in on him all the time and he can rely on me to support him for things as he goes through the Murri Court process.' So I guess the Coordinator being there from day one, being able to sort of say 'I'll be on board with helping him to comply with his bail conditions.' And then through beyond that... it's the follow through, I suppose. So he was referred to domestic and family violence counselling, drug and alcohol counselling, he was able to get some support in relation to his housing and also in relation to getting his partner off the lease –because they couldn't live in the same house anymore.*

*And yeah, ultimately, he didn't go to jail. So he was able to go through the Murri Court process... in the end, it was about a six month process for him, possibly longer. We also actually in the process of that linked him in with legal representation for his child protection matters so that he could get access to his children again, which was a huge thing that was preoccupying his concerns... The Coordinator of the Justice Group was involved in that referral process as well.*

*So, yeah, it was a really good outcome for him because in the end, he ended up in a much, much more stable place – out of the relationship that had become very toxic and also back seeing his kids, hopefully on the road to reunification... and not in the correctional centre. (Defence lawyer, Rockhampton)*

### **6.3.3 A former offender's story**

#### Female Elder:

*So we are very proud of you to be becoming a father and you turned your ways around.*

#### Young person:

*Yeah, I turned my life around, instead of being a badass little gang fan, little gangster... [I'd] probably be in jail...*

*That's what I keep telling all my mates, all them young ones, just like, 'keep out of trouble and just keep doing, like if you got orders from... the courts, just do your orders and smash the time and get it done and so you don't have to go back there...'*

*I just stuck to myself and yeah, didn't want to get in trouble no more, just wanted to stay good and continue, my life has been good...*

*It's not worth it... It's just, you know, like in that life situation, life is pretty much pretty hectic. And yeah, as much as you want to be a criminal, but just don't. You basically, you're wasting your life getting locked up. Instead, learning about your history and your future, like learn about your history and your culture, all that stuff. Instead of like, wasting your time getting locked up, getting out on bail and just doing the same crime and shit over and over again. You just get sick of it. And yeah So just turn around or get killed or hurt...*

*Yeah, the habit. The people that own the items and stuff like, the criminals that like to take it, which I used to be one, but yeah, I did my sorry business and that to them – just help them and helping the community, giving back to the community. Yeah, I said sorry to them.*

#### Male Elder:

*You know you're one of our good luck stories. Say to yourself, you know, long after we're gone, seriously I'd like to see you sitting in our chair and doing what we're doing. Being an Elder. The way you talking now, you show a lot of wisdom coming out of you from a young age.*

#### Young person:

*Spins me out like, my age, like, things that I've done and grew up and learned. And yeah. I've been told and listened and learned, yeah it's been good.*

*From my past year, yeah, [the Elders] have helped me out a while... But it is up to them, it's up to the young ones, if they want to go see the Elder. Just like, it was my choice to go see them because I wanted to. And not only that, it was just... it was respect. And they didn't judge me.*

#### Male Elder:

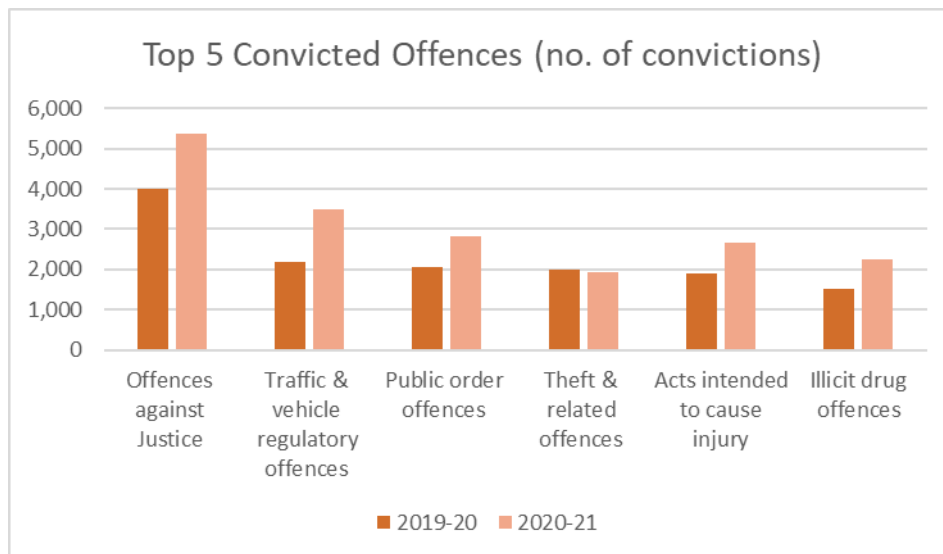
*And just listening to you talk now and you got a lot of confidence now compared to a couple of years ago. I remember going into court and the magistrate and the prosecutors wrote him off, they wanted to lock him up. Look at you today.*

#### **6.3.4 A Magistrate's story**

*I received a report at the end. It was written about a child I sentenced in youth Murri Court last Friday, and it did provide a bit more information about their family situation, how they were connected with some of the Elders in the Justice Group and to Yarrabah. It did really help, I have to say, when it came to determining the sentence for that young boy. But, more importantly, the work the Justice Group had done with that boy, I think has really made some amazing changes. Only connected with them for about eight weeks. And this boy showed such amazing respect. He stood up at the end and he thanked them. He hugged them all. So I think he made some really good connections with family that he felt he would be ashamed to meet with, but ultimately they made it a really great experience for him.*

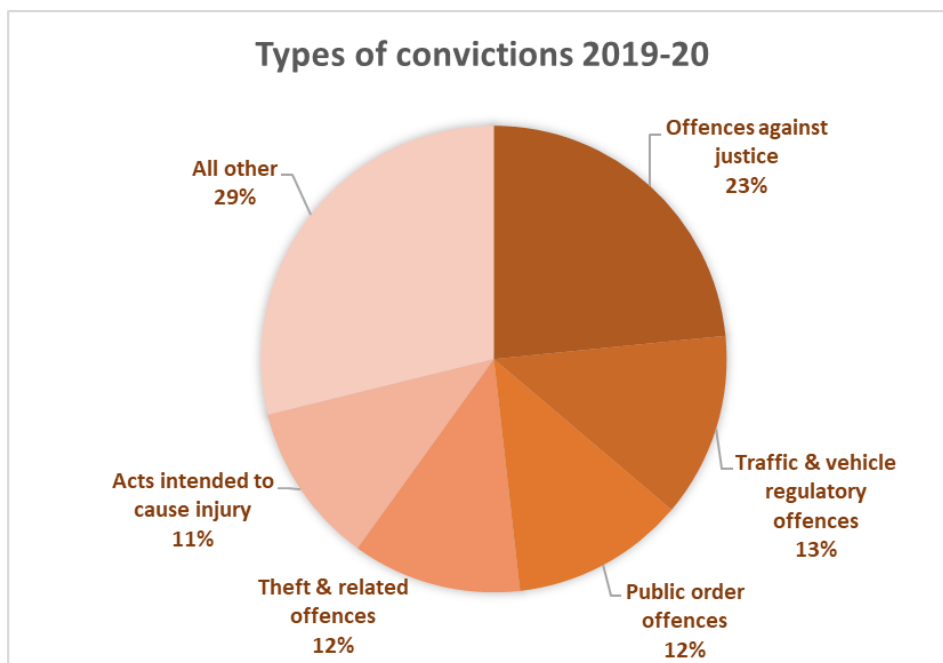
*And we're hoping that that sort of continues on with two more girls to be sentenced soon. [The Justice Group] managed to get them back at school, one of them's got a job, so it's kind of some really good behind the scenes stuff that they're doing there. (Magistrate)*

## Appendix 1 – QWIC data for courts at CJG locations



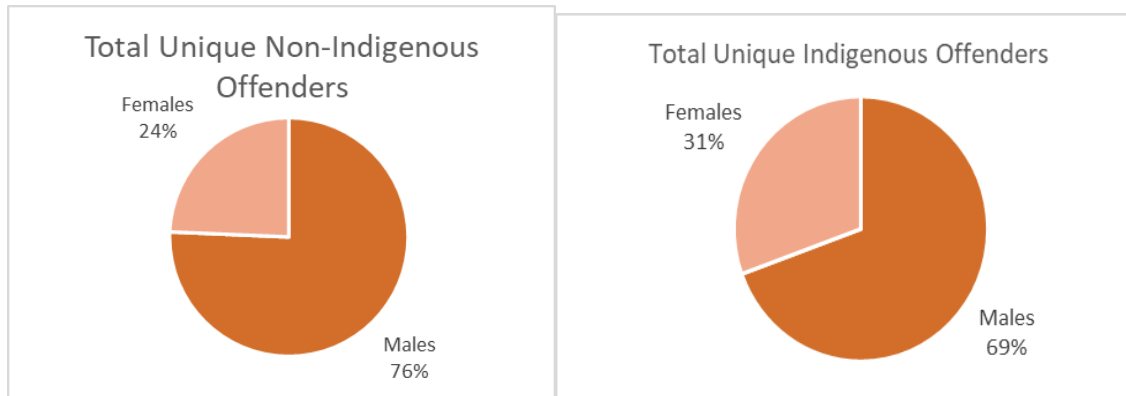
**Figure 37. Convicted offences at CJG locations (QWIC data)**

Data includes number of convictions by offence type in CJG locations. Data reflects the top convicted offences overall for CJG locations in 2019-20 and 2020-21. Data reflects convictions in CJG locations for Aboriginal and Torres Strait Islander offenders only.



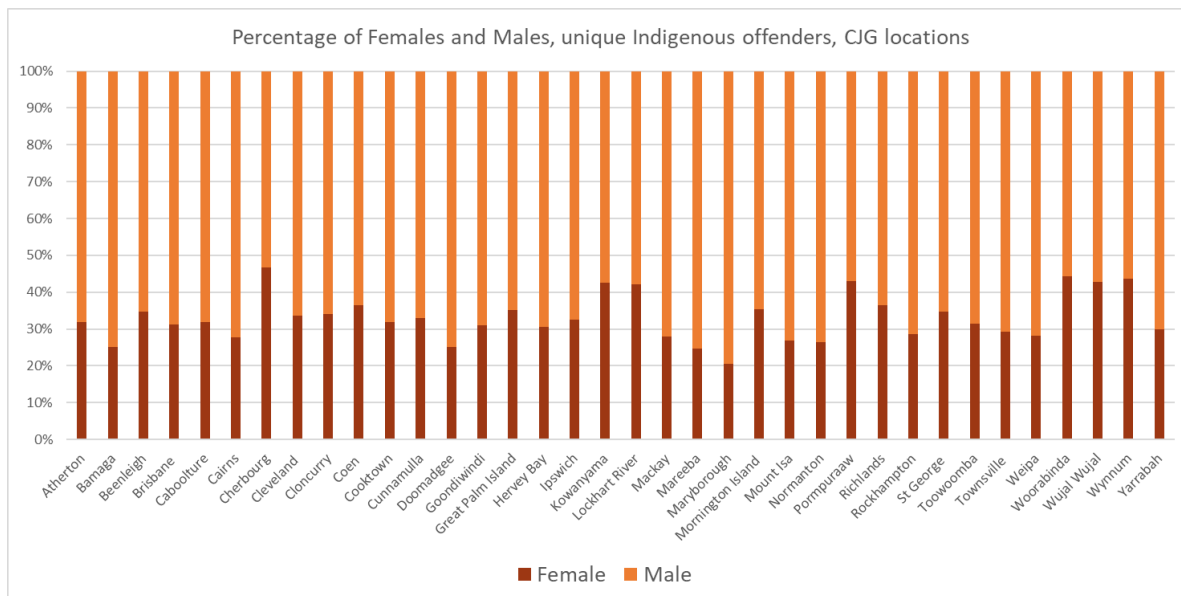
**Figure 38. Top convicted offences among Indigenous offenders in CJG locations 2019-20 (QWIC data)**

Data includes number of convictions by offence type in CJG locations. Data reflects the top convicted offences overall for CJG locations in 2019-20. Data reflects convictions in CJG locations for Aboriginal and Torres Strait Islander offenders only.



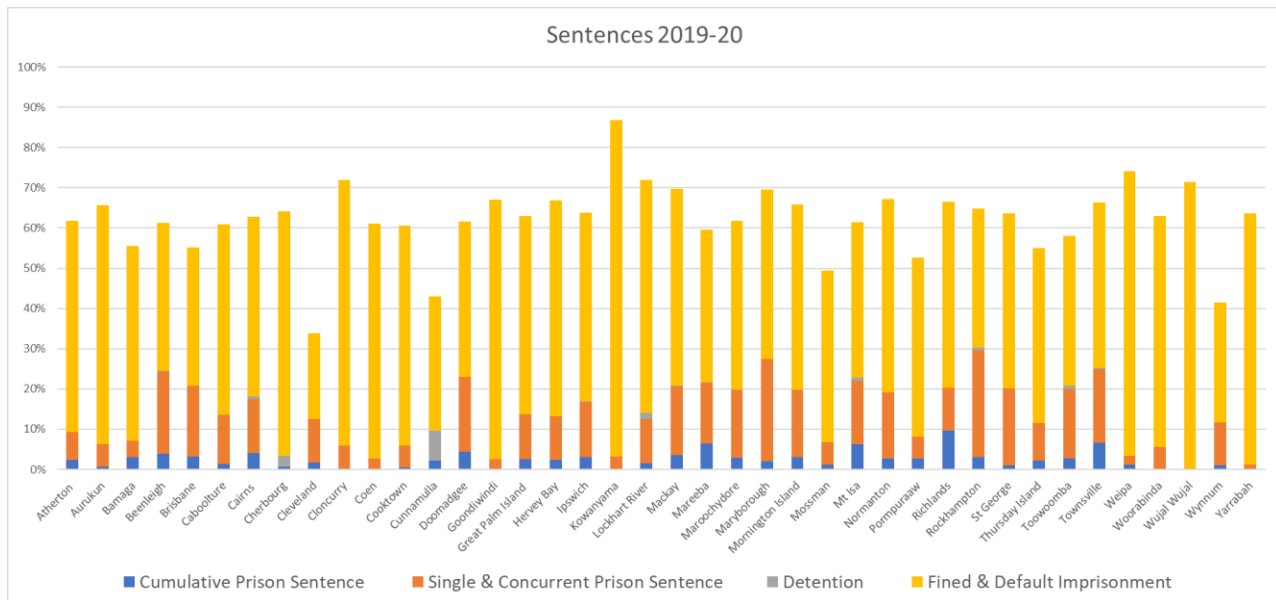
**Figure 39. Gender breakdown of unique offenders in courts at CJG locations (QWIC data)**

*Data includes proportion of male and female defendants with convictions in the CJG locations, for all unique defendants in these locations, for non-Indigenous defendants, and for Aboriginal and Torres Strait Islander defendants in these locations, in 2019-2020.*



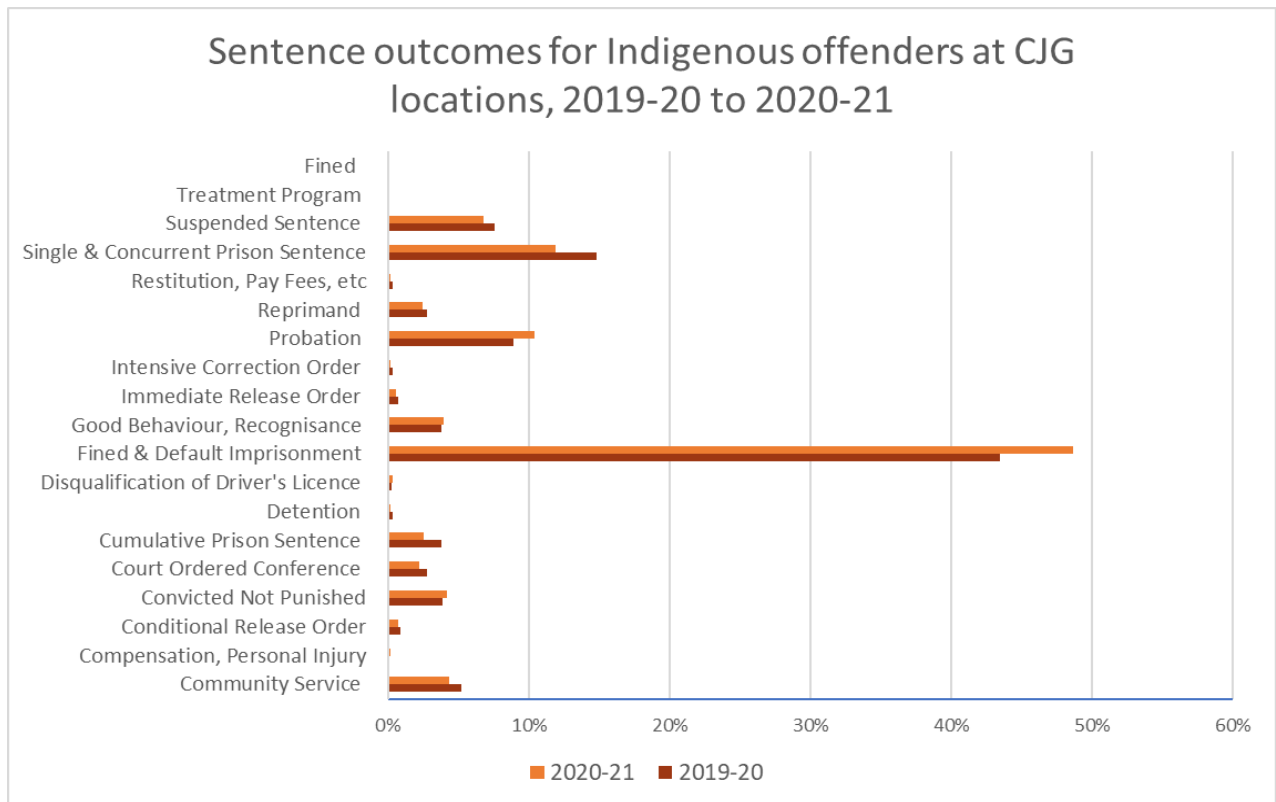
**Figure 40. Gender breakdown of unique Indigenous offenders at CJG locations (QWIC data)**

*Data includes the percentage of male and female defendants with convictions at each CJG location in 2019-20. Data includes Aboriginal and Torres Strait Islander persons only.*



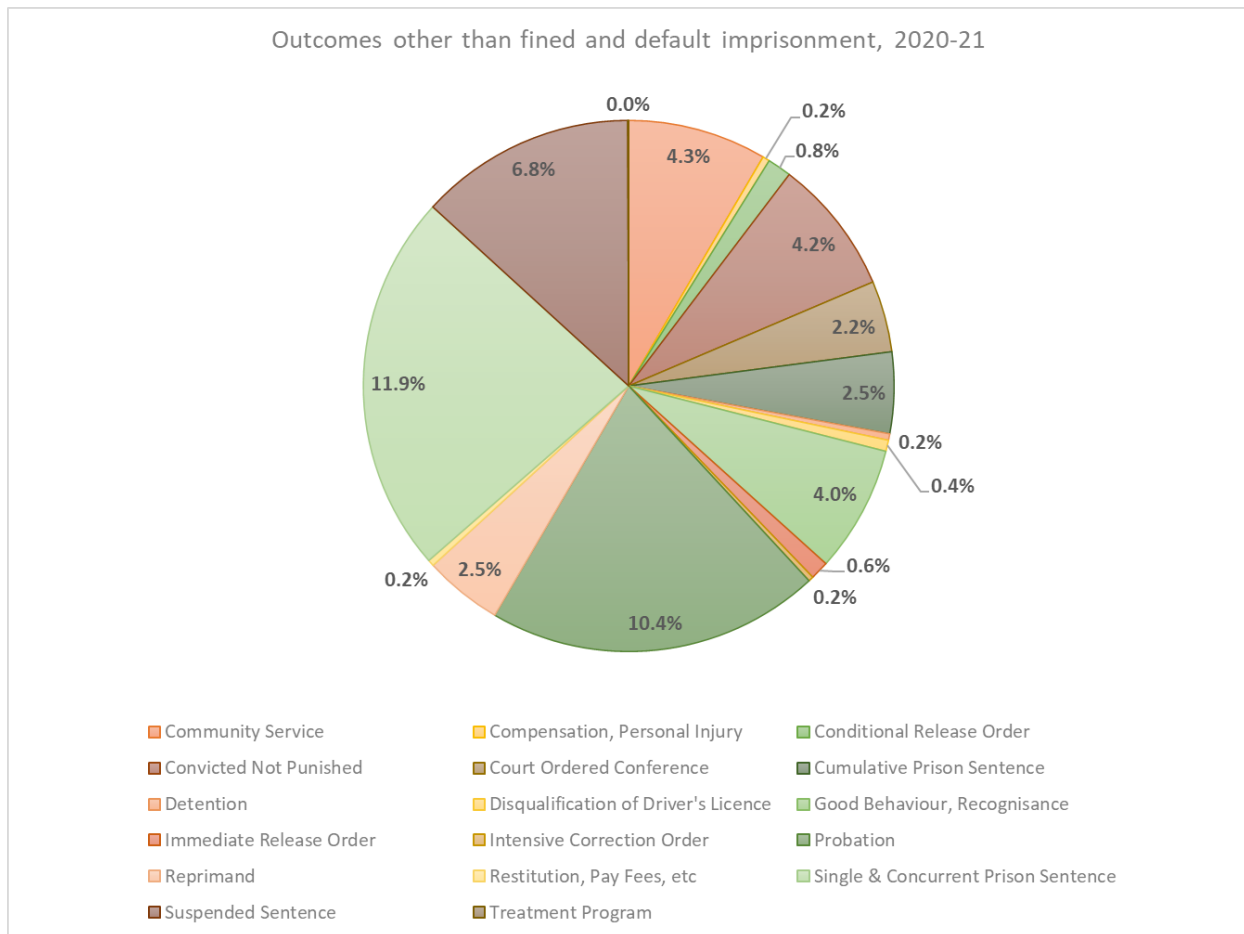
**Figure 41. Top four sentences for Indigenous people appearing at CJG locations, 2019-20 (QWIC data)**

Data includes custody related outcomes for convicted Aboriginal and Torres Strait Islander persons in each of the CJG locations in 2019-20.



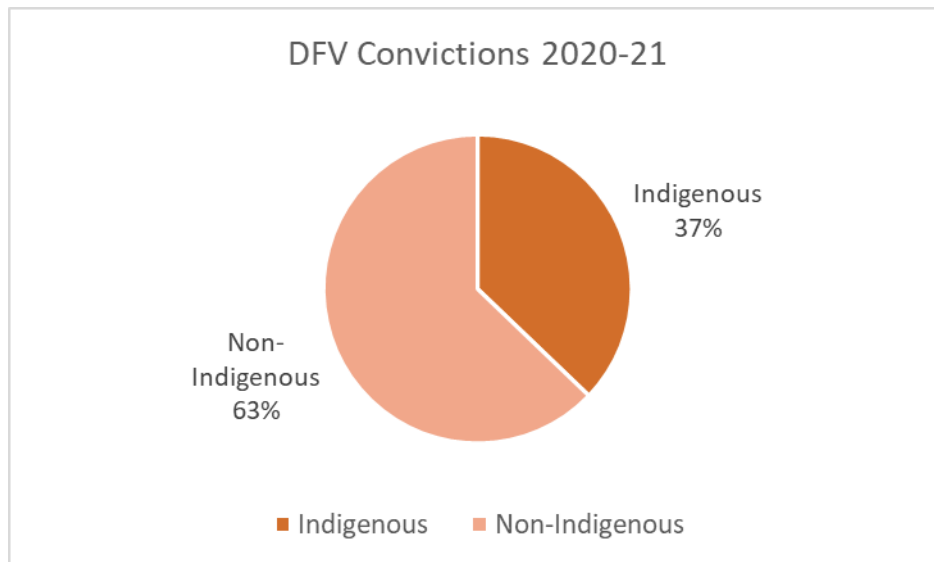
**Figure 42. Full range of sentence outcomes for Indigenous offenders at CJG locations (QWIC data)**

Data includes all outcomes for convicted Aboriginal and Torres Strait Islander persons in CJG locations in 2019-20 and 2020-21.



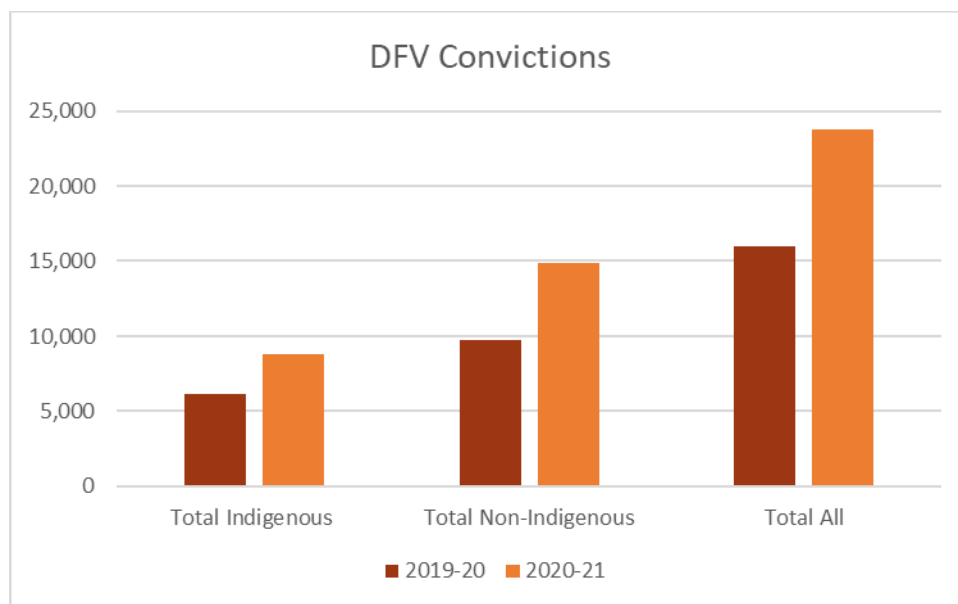
**Figure 43. Sentence outcomes for Indigenous offenders in CJG locations, excluding 'Fined and default imprisonment'**

*Data includes outcomes in 2020-21 for convicted Aboriginal and Torres Strait Islander persons in CJG locations. Data excludes "fined and default imprisonment" outcome, which accounted for almost half of all outcomes.*



**Figure 44. Proportion of Indigenous DFV convictions, courts in CJG locations, 2020-21 (QWIC)**

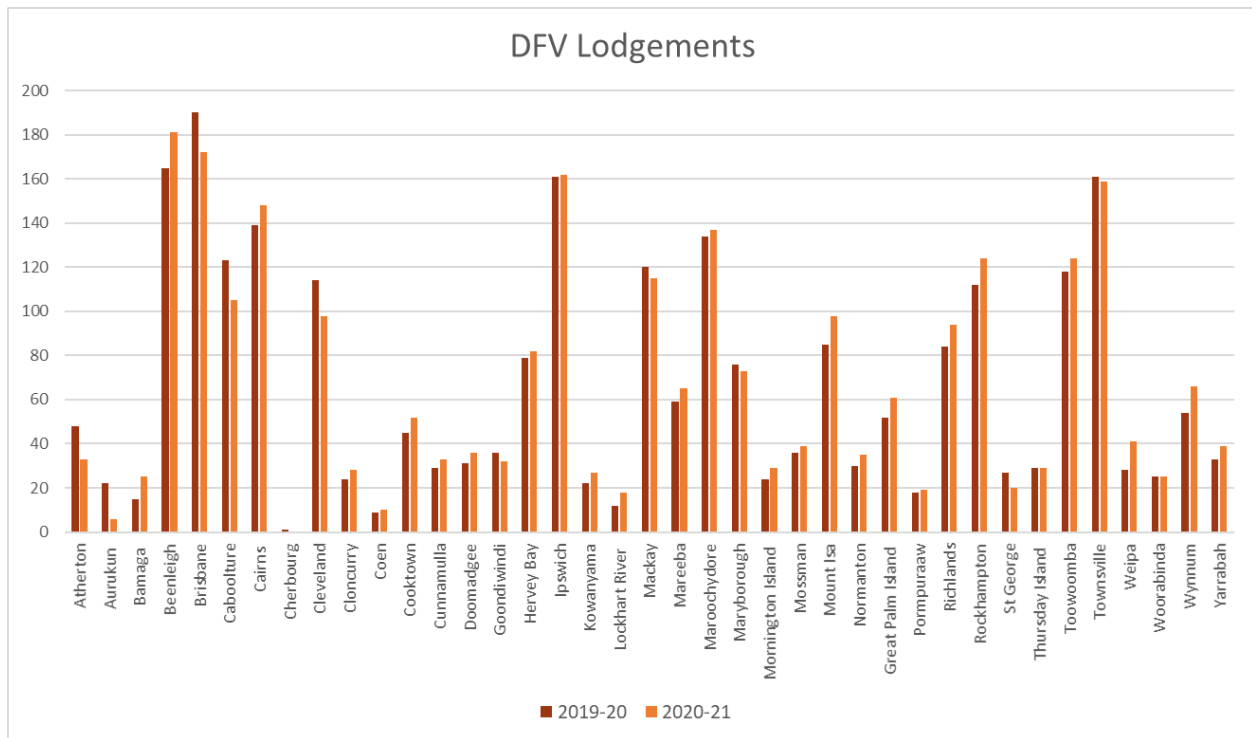
*Data includes convictions for offences that have been flagged as domestic and family violence offences in CJG locations in 2020-21. This figure presents the proportion of convictions for Indigenous and non-Indigenous persons*



**Figure 45. Total DFV convictions, Indigenous and non-Indigenous, courts in CJG locations (QWIC)**

*Data includes the number of convictions for domestic and family violence offences in CJG locations in 2019-20 and 2020-21. This figure presents the number of convictions for Indigenous, non-Indigenous, and all persons in CJG locations.*





**Figure 46. DFV lodgments, all offenders, CJG locations (QWIC)**

*Data includes the number of domestic and family violence lodgements in CJG locations in 2019-20 and 2020-21. Data includes all domestic and family violence lodgements in CJG locations over the time period, for both Indigenous and non-Indigenous persons.*

## Appendix 2 – Terms of Reference for interdepartmental Implementation Working Group on CJG Framework

# Community Justice Group Framework Implementation Working Group

## *Terms of Reference*

### Background

1. As part of the 2019-20 Budget, the Queensland Government committed \$19.4 million over four years to enhance the funding provided to the Community Justice Group (CJG) program.
2. This enhanced funding will support the development of a grants management system, and increase funding provided to the CJGs so they can continue to support Aboriginal and/or Torres Strait Islander people.
3. From late 2019 to early 2020, the Department of Justice and Attorney-General (DJAG) worked closely with the Department of the Premier and Cabinet (DPC) and other key agencies (referred to as ‘enabling agencies’) to develop a framework.
4. The purpose of this framework is to:
  - provide clarity about the role of CJGs throughout Queensland;
  - assist government departments and agencies to identify ways of working together to acknowledge, remunerate and support the work of CJGs; and
  - outline how enabling agencies will enable CJGs to deliver justice related outcomes in their communities.

### Purpose of this working group

5. The purpose of this working group is to support the implementation of the framework through:
  - ensuring agencies are prepared and have capacity to implement the framework;
  - driving communications about the framework;
  - sharing information about agencies’ engagement with CJGs, for example, planned consultation activities and community visits involving CJGs;
  - embedding cultural change in agencies to facilitate strong local-level partnership between CJGs and enabling agencies;
  - assist enabling agencies to identify ways to partner with and recognise CJGs;
  - ensure a whole of government approach to identifying ways to improve and support the CJG program; and
  - provide input on evaluation activities relating to the CJG program.
6. This working group will also operate as a conduit between the CJGs and government agencies. This may include:

- sharing information about emerging issues or challenges within specific communities impacting on CJG service delivery;
- identifying opportunities for enabling agencies to support the work of CJGs in specific communities; and/or
- sharing contextual information with enabling agencies to ensure they are appropriately equipped to effectively consult and work with CJGs;
- provision of advice about how agencies and CJGs can engage and collaborate more effectively on a local level, including workshopping avenues to resolve any barriers agencies are aware of.

### **Membership**

7. This working group is chaired by the Senior Director, Courts Innovation Program (CIP), DJAG.
8. Agencies represented on this working group include all enabling agencies identified in the framework including:
  - DJAG represented by Director, Aboriginal and Torres Strait Islander Justice Programs & Partnerships
  - DPC represented by Director, Social Policy;
  - Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships represented by Director, Social Policy, Strategic Policy and Legislation.
  - Queensland Police Service represented by Senior Sergeant Senior Strategy Officer, Strategic Policy Branch;
  - Queensland Corrective Services represented by Manager, Community Corrections Operations;
  - Department of Children, Youth Justice and Multi-Cultural Affairs represented by Director, Program Management Office and Director, Aboriginal and Torres Strait Islander Cultural Unit.
  - Department of Children, Youth Justice and Multi-Cultural Affairs represented by Manager, Aboriginal and Torres Strait Islander Families, Investment and Commissioning;
  - Queensland Health represented by Manager, Mental Health, Alcohol and Other Drugs Branch and Manager, Office for Prisoner Health and Wellbeing;
  - Department of Education represented by Policy Manager – Student Protection, State Schools – Operations;
  - Department of Communities, Housing and Digital Economy represented by Manager, Strategy Policy and Performance Team;
  - Department of State Development, Infrastructure, Local Government and Planning represented by Departmental Liaison Officer, Office of the Director-General; and
  - Department of Transport and Main Roads represented by Manager (Road Safety), Northern Region.
9. Working group members are to provide proxies to attend meetings as required.

### **Ways of working**

10. This working group will meet bi-monthly to ensure implementation of the framework remains on track.
11. Meeting frequency may be increased or reduced by agreement between working group members. Working group members are able to suggest agenda items prior to each meeting by advising the Chair.
12. Working group members are responsible for implementing nominated actions between meetings as agreed.
13. All agencies will contribute to an annual report for the DJAG Director-General to highlight progress and commitment to the framework. The DJAG Director-General will be invited to share the annual report with the Attorney-General and Chief Executives of member agencies. **DJAG will lead preparation of the annual report.**
14. These terms of reference will be reviewed on an annual basis.

### **Secretariat**

15. DJAG will also provide secretariat support including the coordination of agendas, papers and the taking of minutes.
16. Minutes will be circulated within four weeks of each meeting.