

JUSTICE POLICY PARTNERSHIP MEETING 9 SUMMARY

The Justice Policy Partnership (JPP) held its ninth meeting in Cairns, Queensland, on Thursday 31 August and Friday 1 September 2023 and were welcomed to Gimuy Waluburra Yidinji country by Elder and Traditional Owner, Aunty Henrietta Marrie.

Quorum

JPP Secretariat confirmed quorum was achieved, according to the interim revised quorum rule confirmed at JPP Meeting 8.

Information sharing

A proposed protocol for JPP government representatives to inform JPP non-government representatives when they become aware of a decision that impacts progress on Targets 10 and 11 was discussed.

The JPP agreed in principle to the following protocol, with formal agreement to occur at JPP Meeting 10:

JPP Information Sharing Protocol: Government JPP representatives agree to bring to the attention of all JPP representatives as soon as practical and possible any known government decisions which could have a significant negative impact on the achievements of Targets 10 and 11 and which are and/or which are likely to receive criticism from Aboriginal Community Controlled Organisations

It was agreed that consultation with the JPP in relation to legislative change that could impact Targets 10 and 11, we would propose be on the agenda for the next meeting of the Standing Council of Attorneys-General (SCAG).

JPP Strategic Framework – 2020 Implementation Roadmap

JPP representatives agreed to establish two groups to facilitate the development of the 2030 Implementation Roadmap. A group consisting of a subset of JPP representatives – the Steering Group - will set direction and guide Working Groups, as well as reporting back to the JPP. A Working Group consisting of policy officers and others nominated by JPP representatives will action tasks as set by the Steering Group.

The JPP agreed that scoping would need to be undertaken across four areas:

- Anti-racism /cultural competency strategies
- Sector Strengthening Plan
- Cross sector partnerships and accountability/justice partnerships
- Justice Impact Assessment

Delivery of Joint Council Recommendations

There were two topics discussed as part of this agenda item – Justice Impact Assessments and a Sector Strengthening Plan. JPP representatives were advised the Justice Impact Assessment Reporting Template would be provided through the Partnership Working Group to Joint Council and include any agreed additions or changes made by the Justice Policy Partnership.

Justice Impact Assessments

JPP representatives focused discussion on the appropriateness of including the cost benefit analysis and stressed that this assessment should include social costs as well as economic costs. Representatives agreed to provide written comments on the draft Justice Impact Assessment Reporting Template to the JPP Secretariat who would undertake to discuss timeframes for Joint Council with the National Indigenous Australians Agency (NIAA). Subsequent to the meeting the JPP Secretariat was advised by NIAA that the Reporting Template does not need to go to Joint Council, only the Partnership Working Group.

JPP representatives also agreed to consider options for a Statement of Compatibility with the Closing the Gap Agreement as a way of addressing concerns raised about Cabinet-in-Confidence limitations affecting what can be reported to Joint Council.

Sector Strengthening Plan

This session of the meeting opened with JPP representatives being advised that resourcing for both NATSILS and the National Family Violence Prevention Legal Services (NFVPLS) need to be considered when discussing the Justice Sector Strengthening Plan.

The JPP representatives were also advised of the current review of the National Legal Assistance Partnership (NLAP) which presents an opportunity for the JPP to contribute to the future direction of the NLAP. It was agreed that the JPP would develop a Justice Sector Strengthening Plan and consider whether to develop a submission or letter to the NLAP Review concerning resourcing.

It was noted the Justice Sector Strengthening Plan needs to be settled by the end of 2024, and that it will be able to consider the findings of the NLAP Review.

Productivity Commission's Draft Report on Closing the Gap and JPP Response

Commissioners from the Productivity Commission presented a summary of the Commission's draft report on its Review of the National Agreement on Closing the Gap.

Commissioners noted there was keen interest in hearing the views of the JPP representatives and emphasised that governments have an obligation to achieve their commitments under the Agreement

JPP representatives requested the report remove reference to submissions from JPP representatives as this is not a position endorsed by the whole JPP.

There was general agreement that it is beneficial for the JPP to put in a submission to the Productivity Commission, endorsed by the whole JPP, and ensure themes raised at the meeting are included.

Strengthening JPP Governance

The Co-Chairs noted that this work would consist of reviewing the Agreement to Implement (required annually by the Agreement to Implement) as well as the broader 3-year review of the JPP required under the Closing the Gap framework.

It was agreed to hold this Agenda Item over until JPP Meeting 10. In the meantime, JPP representatives agreed to review the Agreement to Implement and Review Paper.

Identifying, measuring and monitoring institutional racism

The JPP were provided with a presentation by an Anti-Racism Matrix developed to assess structural and institutional racism. The matrix is a tool used to assess institutional racism within health services in Queensland hospitals and has since been rolled out for other organisations.

JPP representatives agreed developing an anti-racism strategy is a key priority for the JPP, but more time is needed to gather information prior to setting a concrete path. The JPP agreed to hold roundtable discussions with key experts and advocates to set the parameters for both a working group and the development of the anti-racism strategy itself.

JPP representatives asked that this topic be an agreed agenda item at JPP Meeting 10.

Improving access to healthcare in custodial settings

The Department of Health and Aged Care presented on work to improve access to healthcare in custodial settings for Aboriginal and Torres Strait Islander persons. The initial approach to the work will involve: evaluating programs where Aboriginal Community-Controlled Health Organisations (ACCHOs) are providing healthcare for prisoners in two jurisdictions; assessing and bringing together existing evidence and recommendations; and, looking at Medicare and PBS items.

JPP representatives' comments and questions focused on ensuring funding is aligned, considering intersections with NDIA and recommendations from the Disability Royal Commission, having experts inform the work that sits outside the ACCHO system, the ability to extend the scope of work outside the prison system, and governance to ensure cross-sector collaboration, particularly involvement of the JPP.

JPP representatives asked that consideration be given to the transition of people from custody and a need to incorporate the expertise of community restorative centres in this work (noting there is no peak body to represent these organisations).

Minimum Age of Criminal Responsibility

Two JPP representatives provided an update and reflections on their experiences as participants in the Standing Council of Attorneys-General Minimum Age of Criminal Responsibility (MACR) Working Group. The representatives described the contributions they made in relation to emphasising the evidence base relating to the experiences of Aboriginal and Torres Strait Islander children, including that they do not receive the benefit of police diversion as often as other children do, and highlighting their disproportionate overrepresentation in all parts of the criminal justice system.

It was agreed the two JPP representatives would endorse the Working Group's final report as representatives of the First Nations Peak and Independent members of the JPP.

Justice Reinvestment

An update on the National Justice Reinvestment Program (in particular the Grant Opportunity Guidelines (GOG) drafted in partnership), the Justice Reinvestment in Central Australia Program and the independent National Justice Reinvestment Unit was provided.

It was noted that both the National Justice Reinvestment Program and the Justice Reinvestment in Central Australia Program will open for applications on 14 September 2023.

After hearing that funding is not limited to Aboriginal Community Controlled Organisations (ACCOs), JPP representatives suggested that when a non-Aboriginal organisation seeks funding, it be required to partner with an ACCO as the lead organisation.

It was acknowledged there have been missed opportunities for the Coalition of Peaks to be involved in the funding and submission process, however, it was suggested that a focused discussion should be had to identify and agree what a joined-up approach to justice reinvestment looks like and how it is linked to the Closing the Gap structure.

Next meeting

The next scheduled meeting of the JPP is Thursday 7 December to Friday 8 December 2023.