

Designing a Justice Reinvestment Mechanism for New South Wales: A Discussion Paper

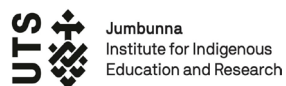
Practical considerations for planning a
justice reinvestment policy mechanism

AUTHORS:

Talia Hagerty, Just Reinvest NSW
Emma Whitnall, Just Reinvest NSW
Ben Spies-Butcher, Macquarie University
Gareth Bryant, The University of Sydney
Fiona Allison, University of Technology, Sydney

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without permission in writing from the publisher.

© JRNSW



Contents

Executive Summary	5
Introduction	8
Justice reinvestment in Australia	10
Purpose of this paper	13
NSW reinvestment journey so far	14
Aboriginal definitions of justice reinvestment (2022)	15
What has been successful (or not) elsewhere?	17
Components of a reinvestment mechanism	13
Building a reinvestment mechanism for justice reinvestment in NSW	19
What do we mean by reinvestment?	22
What kinds of models might we consider?	24
How does the reinvestment cycle work?	29
How does the model connect benefits back to the next round of inputs?	30
How are benefits to be shared?	30
Where do reinvestment funds go?	31
What are reinvestment funds used for?	32
How does the mechanism expand to new communities?	32
How is the model practically implemented at scale?	32
How would we assess if the approach is working?	33
Who are the key stakeholders?	33
The 'authorising environment' for the reinvestment mechanism	34
What are the intended outcomes?	34
The role of evaluation in justice reinvestment	36
Equity in evaluation	37
Types of evidence, practical barriers, and possible remedies	37
How does the mechanism accommodate when things go wrong?	40
Political Changes	40
Community Disagreements	40
Monitoring and Evaluation	40
Pace of progress	41
Factors outside community control	41
Conclusion	42

A solid yellow square is positioned in the top left corner of the page.

Executive Summary

This paper is intended to advance discussion regarding how government and Aboriginal communities can work collaboratively to design an effective policy mechanism for reinvestment.

Justice reinvestment has been gaining momentum in Australia over the last decade, attracting growing investment in justice reinvestment organisations, initiatives and interventions. The promise of justice reinvestment is that community-led prevention approaches will reduce reliance on the criminal justice system and through this create cost savings that fund a cycle of place-based investments.

In Australia, this core idea represents one of the many approaches relied upon by Aboriginal and Torres Strait Islander people to increase self-determination, transform government and ensure better outcomes in a range of areas. Nation (re)building and calls for Treaty, for instance, both seek recognition of outcomes prioritised by and specific to Aboriginal and Torres Strait Islander people, including sovereign rights to self-governance. Other examples include the National Agreement on Closing the Gap (2020), wherein governments have committed to working with Aboriginal and Torres Strait Islander people to achieve parity in outcomes.

On this note, reducing high rates of Aboriginal overrepresentation in the criminal justice system is a key goal for justice reinvestment and communities implementing it. Aboriginal people in Australia face disproportionately high rates of contact at all stages of this system, including policing, court appearances, youth detention and incarceration. For example, Aboriginal adults make up 3.4 percent of the NSW general population, but 31 percent of the prison population, making them grossly overrepresented in incarceration statistics.

For Aboriginal and Torres Strait Islander people, these statistics are a consequence of past colonisation and ongoing social exclusion and political sidelining. Justice reinvestment and other approaches, including those identified above, recognise self-determination and government transformation as crucial pathways to achieving positive change to criminal justice and other outcomes for Aboriginal people.

Despite much community-based work and the expansion of justice reinvestment grant programs, a mechanism for reinvestment has not been fully developed or implemented at either the State or Federal level. Ensuring a mechanism to reinvest funds can provide the funding certainty and the resources to scale justice reinvestment initiatives that Aboriginal people require - and importantly to, progress Aboriginal priorities around transformation of government and self-determination.

// Executive Summary //

High and rising incarceration and recidivism rates, as above, are expensive and socially destructive, reflecting intergenerational cycles of over-policing and hyperincarceration impacting Aboriginal communities. Coming together to redress the harms caused by the current criminal justice system opens policy space for new community-led ways of working that build on and work with other efforts for self-determination and Nation building.

This policy space is partly financial, but it is also substantive. A reinvestment mechanism might sound purely technical, but at heart it is about relationships, trust and control over resources and decision-making. There are big stakes involved in any financing mechanism, because it potentially delivers real resources and real control for communities. Governments will need to be assured that reinvestment reflects evidence of improved outcomes and reduced costs. Communities will need to be assured reinvestment brings real resources and control. Additionally, a reinvestment mechanism needs to be widely applicable to different communities' needs and priorities, setting clear expectations and providing everyone with confidence that resources will be allocated fairly and transparently. This is the basis on which we identify development of a successful mechanism as centring on the building of trust and relationships, including via an investment in policy reform and how governments work with Aboriginal people.

Our paper seeks to advance the process of developing a reinvestment mechanism by articulating several key questions that need to be worked through and offering some of the details and trade-offs for consideration. The paper (and its authors) do not intend to answer these questions on behalf of stakeholders, but to identify considerations that require some deliberation. The paper is intended as an input to a broader design process to occur between Aboriginal communities and government in NSW.

We begin by introducing what justice reinvestment is in an Australia context. The paper then turns to a discussion of what a reinvestment mechanism seeks to do and how it might work, with examples cited from other countries. The rest of the paper explores the different questions and principles involved in creating a reinvestment mechanism, the different models that might be used, and considers how it can be feasibly implemented. We note that the development of such a mechanism will need to account for the varied circumstances of different justice reinvestment initiatives, including their various stages of progression.

"Reinvestment" can mean the literal reallocation of funds, but it might also include the reinvestment or reallocation of trust, power, decision-making, or other components. In practice, there are three broad conceptual approaches, which are not mutually exclusive but can be a useful way to think about how to build an effective reinvestment mechanism, and change how we do business. Reinvestment can be understood in terms of:



Ensuring financial reinvestment through a flow of money to match the financial impacts of community actions and/or of legislative/policy reform.



Changing how governments budget to reflect different goals and values.



Changing governance over funding streams based on agreed-upon social outcomes.

//Executive Summary//

These different approaches reflect different priorities, but they share an important distinction from existing funding models. Most of the current funding for justice reinvestment work comes from grants, which have provisions for recurring funding. However, justice reinvestment has the potential to be far more transformative than simply a source of recurring funding, as discussed herein.

Implementing any of these approaches, or a combination thereof, requires a model to (re)allocate resources. Possible models differ in terms of four core elements that must be incorporated or addressed in some form:

- The source of capital
- The method for accounting for savings
- The method of reinvesting returns
- A change in governance towards self-determination.

These core elements can be used to identify four broad models of justice reinvestment, from which a reinvestment mechanism can be designed:

1. Funding reform
2. Social impact investment instruments
3. Social investment budgeting
4. Agreement-making

The primary variations between these models are their different methods for accounting for savings, the political decision-making processes for developing them, and the legal instruments necessary to implement them.

The paper applies this framework to consider who should be involved, what we are trying to achieve, how we build confidence that things are working, and how we manage risk when things do not go according to plan. Mapping out these questions is the beginning of building a reinvestment mechanism together.

A solid yellow square is positioned in the top left corner of the page.

Introduction

Justice reinvestment is a holistic approach to addressing Aboriginal overrepresentation in the criminal justice system through early intervention/prevention, data and evidence, and with a focus on place-based solutions. Overrepresentation is defined as disproportionately high rates of contact with the criminal justice system, including but not limited to rates of contact with police, court appearances, fine debt, youth detention and incarceration. For example, Aboriginal adults make up 3.4 percent of the NSW general population, but 31 percent of the prison population, making them grossly overrepresented.

Justice reinvestment emphasises that these rates of overrepresentation are often systemically driven, with concentrated effects among particular communities, and that place and community-led solutions will be most effective in redressing this. In particular, and aligned with many other approaches championed and led by Aboriginal and Torres Strait Islander people both now and in the past, justice reinvestment recognises that self-determination and transformation of government are crucial to reducing overrepresentation. These are key responses to both the history of colonisation and the ongoing social and political exclusion of Aboriginal people that contribute to their high rates of contact with the justice system.¹

As described below, justice reinvestment is a framework for implementation of a range of actions required to tackle the multiple issues driving overrepresentation at a local and broader level. One of its components is economic in nature, and in particular, reinvestment - the focus of this paper.

Despite making up only four percent of the population in NSW, the government expenditure allocated to Aboriginal people and communities exceeds this proportion in all areas. For example, the Aboriginal community's share of expenditure in the criminal justice system in 2021-22 was 17.5 percent – the majority of which was spent on Aboriginal people in the prison system.² NSW Treasury estimates that if spending on justice, out-of-home-care and child protection 'matched the First Nations population share, there would be avoided costs of around \$1.8bn per year.'³

Justice reinvestment as a proposition aims to realise those kinds of expenditure savings, and most importantly, to return that economic value to Aboriginal and Torres Strait Islander communities most impacted by hyper-incarceration, over-policing and other forms of overrepresentation in the criminal justice system. Reinvestment into effective local prevention approaches can reduce disproportionate contact with the justice system and its harms by resourcing and supporting communities to lead positive change.

¹ See for instance Behrendt, L., Cunneen, C., Liebsman, T. & Watson, N. (2019). *Aboriginal and Torres Strait Islander Legal Relations*. Melbourne: OUP.

² NSW Treasury (2024b). *2023-24 NSW Indigenous Expenditure Report*. Sydney: NSW Treasury. Available at: https://www.treasury.nsw.gov.au/sites/default/files/2024-05/2023-24-nsw-indigenous-expenditure-report-202405_v2.pdf, pg. 35.

³ NSW Treasury (2024b).

//Introduction//

NSW GOVERNMENT EXPENDITURE ON THE CRIMINAL JUSTICE SYSTEM 2021-22

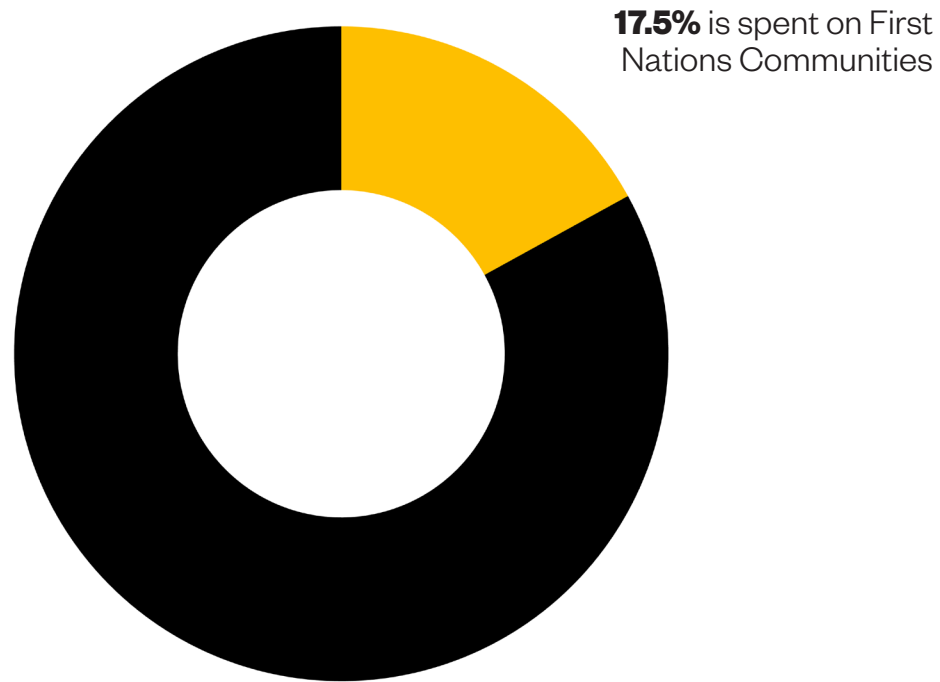


Figure 1: The proportion of criminal justice spending on First Nations communities in NSW. Data source: NSW Treasury (2024b), p. 43.

Aboriginal people make up only **4%** of the population in NSW...

Government expenditure allocated to Aboriginal people and communities in the criminal justice system in 2021-22 was **17.5%**

// Introduction //

JUSTICE REINVESTMENT IN AUSTRALIA

Justice reinvestment originated in the United States (US), but Aboriginal and Torres Strait Islander people in Australia have advocated for its implementation for close to two decades now, as well as progressing justice reinvestment initiatives.⁴ Justice reinvestment holds appeal for and the interest of Aboriginal people because of its focus on self-determined, culturally informed responses to overrepresentation in the criminal justice system. For these to be effective, they necessarily require reform to government systems.

In this respect, justice reinvestment is not an entirely new approach, with similar long-standing examples being Nation (re)building and calls for Treaty. The Maranguka (Bourke) justice reinvestment initiative, for instance, has many of the features of Indigenous Nation (re)building in Australia and overseas. The large body of Nation (re)building work focuses on good governance as a key marker of social and economic success amongst First Nations peoples.⁵ As a further example, the National Agreement on Closing the Gap (2020) is an agreement between peak Aboriginal and Torres Strait Islander organisations and governments, who have committed to reforms that include shared decision-making and transformation of government.⁶

⁴ National Agreement on Closing the Gap (2020), see pp. 5-15 for details on Priority Reform Areas 1-4. As further examples, outside of justice, other sectors in Australia such as natural resource management have undergone significant Indigenous-led strategic transformation aimed at First Nation well being and caring for/as Country. Ranger programs and working on country programs around the Country are having major impacts on the health of people and country and have strong alignment with reinvestment approaches as defined in this paper.

See Aboriginal and Torres Strait Islander Social Justice Commissioner (2009). *Social Justice Report*. Sydney: Australian Human Rights Commission. Available at: https://humanrights.gov.au/sites/default/files/content/social_justice/sj_report/sjreport09/pdf/sjr_2009_web.pdf.

⁵ Rigney, D., Rose, D., Vivian, A., Jorgensen, M., Hemming, S. & Berg, S. (2022). *Gunditjmarra and Ngarrindjeri: Case Studies of Indigenous Self-government*. In: P. Cane L. Ford and M. McMillan, eds., *Cambridge Legal History of Australia*. Cambridge: Cambridge University Press, Chapter 9.2

⁶ National Agreement on Closing the Gap (2020), see pp. 5-15 for details on Priority Reform Areas 1-4. As further examples, outside of justice, other sectors in Australia such as natural resource management have undergone significant Indigenous-led strategic transformation aimed at First Nation well being and caring for/as Country. Ranger programs and working on country programs around the Country are having major impacts on the health of people and country and have strong alignment with reinvestment approaches as defined in this paper. *Empowered Communities* is another instance of community-led change focussed on social and economic development. See <https://empoweredcommunities.org.au/>

Elements and implementation of justice reinvestment

Implementation of justice reinvestment at a community level generally involves both a local (Aboriginal-led) ‘backbone team’ coordinating justice reinvestment activities and a community leadership group. The backbone team is an important implementing organisation, while the local leadership group provides community-based governance.

Both entities typically engage the broader local community with the justice reinvestment initiative in question. A coordinating or backbone body is usually made up of paid staff members who, for instance, gather data from government and community input (data) to inform decision-making by the leadership group about justice reinvestment priorities. These priorities are set out in a community-specific justice reinvestment strategy for change, determined by the leadership group, that targets issues within and outside of the justice system feeding high levels of overrepresentation.

The backbone team implements programs or activities, undertakes advocacy and/or other interventions based around these identified priorities. These could include a program that keeps young people engaged while suspended from school; advocating for better service delivery to improve local health, education and child protection outcomes; or working with police and local services to support at-risk youth before they enter the criminal justice system. As an example of differentiation of roles, the backbone team may coordinate stakeholder relationships to progress these types of programs and activities and to achieve community-identified justice reinvestment priorities in general. The leadership group, however, will establish principles, goals and similar that underpin these stakeholder relationships, as well as the latter priorities.⁷

Community backbone teams also implement “circuit breakers,” which are activities or programs designed to quickly interrupt community contact with the criminal justice system. Tackling the entrenched

issues feeding overrepresentation is a long-term project. Circuit breakers are specific (faster-acting) solutions to these issues. For example, these might include programs to support people to access a driver’s licence to reduce traffic offences; or an agreed approach to imposition of bail conditions on young people, so that police or court imposed behavioural conditions do not conflict with real life circumstances and communities can reduce the number of young people held in custody.

In describing justice reinvestment in these ways, it is important to note that implementation is not a linear process. At any point in time communities will be at different stages of progression of justice reinvestment. They will also have their own community-specific interpretations of implementation of the framework of justice reinvestment.

Justice reinvestment is of interest to Aboriginal and Torres Strait Islander people as it has the capacity to tackle social, economic and political drivers of overrepresentation through increased self-determination and other reform of their relationship with government. In Australia, justice reinvestment is generally defined as being:



Place-based



Data-driven

Community-led
(self-determined)

⁷ See, for instance, Maranguka’s JR strategy. Bourke Tribal Council (2015). *Growing our Kids up Safe, Smart and Strong*. Bourke: Bourke Tribal Council.

Recent consultations conducted across the country to inform design of the Federal Government's National Justice Reinvestment Program have confirmed two additional elements:



Reducing justice system contact



Systems Thinking

1. Justice reinvestment must focus on reduction of contact with the criminal justice system. The work of justice reinvestment, however, is likely to produce positive outcomes in other areas as communities use early intervention/prevention approaches to address drivers of overrepresentation (e.g. in health, education, a lack of self-determination etc.).
2. Related to this last element, justice reinvestment utilises systems thinking, which refers to:
 - a. the collaborative and collective response of justice reinvestment to the complex causes of overrepresentation in the criminal justice system, and
 - b. the need to reform government and other systems where they are contributing to overrepresentation through law, policy and practice.⁸

Justice reinvestment has been gaining momentum in Australia over the last decade, attracting growing investment in justice reinvestment organisations,

initiatives and interventions, and therefore in community leadership of solutions to Aboriginal overrepresentation.

The Australian Federal and NSW Governments both committed funding for new justice reinvestment initiatives in 2023 and 2024 (respectively). Combined with existing philanthropic support, over 30 communities have now been funded for justice reinvestment work, including 10 communities in NSW. However, despite much community-based work and the expansion of justice reinvestment grant programs, a mechanism for reinvestment has not been fully developed or implemented at either the State or Federal level.

Meanwhile, the overrepresentation of Aboriginal and Torres Strait Islander people in the NSW criminal justice system continues to climb. The NSW Bureau of Crime Statistics and Research (BOCSAR) reported in June 2024 that new records had been set in terms of both youth and adult criminal justice outcomes.⁹

In March 2024, NSW prisons held the highest number of Aboriginal inmates ever recorded (3,841 prisoners, constituting 30.8% of the total NSW adult prison population).¹⁰

- This was largely due to a record number of Aboriginal people being on remand in this same month (1,763 prisoners, up 27.5% since March 2022).
- The proportion of Aboriginal young people locked up reached a new high in March 2024 (66.4% of youth detainees were Aboriginal).
- The recidivism rate amongst Aboriginal adults in the 12 months after exiting custody was 56.8% (compared to 32.2% for non-Aboriginal adults).¹¹

⁸ Allison, F. (2023). *Design of the National Justice Reinvestment Unit*. Sydney: Jumbunna, UTS. Unpublished.

⁹ BOCSAR (2024a). *NSW Closing the Gap Quarterly Report*. Sydney: BOCSAR. Available at: <https://bocsar.nsw.gov.au/research-evaluations/2024/cjs-aboriginal-over-representation-quarterly-jun-2024.html>

¹⁰ Indicating how numbers had climbed just in the last couple of years, in the 2022 Reinvestment Briefing Paper we reported that 2,192 Aboriginal people were incarcerated in NSW in 2011-2012 and 3,445 Aboriginal people were incarcerated in NSW in 2020-2021. See Table 8A.6 in *Productivity Commission (2022). Report on Government Services. Part C: Section 8 - Corrective Services*. Canberra: Australian Government. Available at: <https://www.pc.gov.au/ongoing/report-on-government-services/2022/justice>. See also Allison, F. (2022).

¹¹ BOCSAR (2024b). *Reoffending* | BOCSAR. Available at: <https://bocsar.nsw.gov.au/topic-areas/re-offending.html> (accessed 22 November 2024).

// Introduction //

PURPOSE OF THIS PAPER

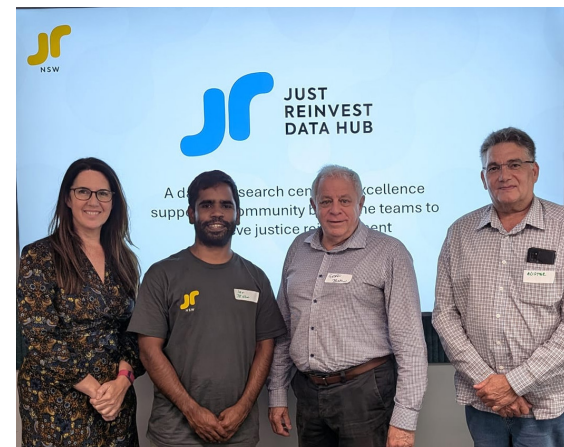
Aboriginal people have identified the reinvestment component of justice reinvestment as an essential means of achieving increased self-determination, government transformation and ultimately, reduced overrepresentation.¹²

To progress a reinvestment mechanism in NSW, further work is required to define its more technical elements. This paper is intended to advance discussion regarding how government and Aboriginal communities can design an effective policy mechanism, by articulating several key questions that need to be worked through and offering some of the details and trade-offs for consideration. The paper (and its authors) do not intend to answer these questions on behalf of other stakeholders, but to identify considerations that need some deliberation.

This paper, published by Just Reinvest NSW (JRNSW), was designed as a working paper to be updated as feedback was received. Firstly, it was presented for feedback and discussion at the NSW Justice Reinvestment Community Forum, convened by JRNSW (in partnership with the NSW Department of Communities and Justice) on November 19 and 20, 2024 in Sydney. The final published version of this document reflects feedback from this forum and written feedback received from key stakeholders outside of this forum, and will offer input for several forthcoming processes of work related to the design of a reinvestment mechanism. The authors are grateful to those who provided feedback on the draft which helped shape this final version.



NSW Justice Reinvestment Community Forum



NSW Justice Reinvestment Community Forum

¹² Allison, F. (2022). *Redefining Reinvestment. An opportunity for Aboriginal communities and government to co-design justice reinvestment in NSW.* Redfern: Just Reinvest NSW.

NSW REINVESTMENT JOURNEY SO FAR



NSW Justice Reinvestment Forum, November 2022

Just Reinvest NSW led a process in 2022 to define reinvestment and progress its implementation.¹³ Desktop research was conducted, and NSW and Federal Government stakeholders, various experts, and other stakeholders were brought together for online and in person collective learning sessions. Most importantly, Bourke (Maranguka justice reinvestment initiative), Mount Druitt and Moree, all actively working with justice reinvestment at this time, were active participants in the project. Time was spent with each community talking through key aspects of reinvestment. Identifying Aboriginal community definitions of reinvestment through these processes was seen as an essential starting point for advancing reinvestment in NSW.

In the US, where justice reinvestment originated, this approach has always incorporated an economic rationale. Its proponents have argued that spending (more and more) money on locking people up does not make good economic sense. They have also argued those communities with the highest rates of incarceration were so negatively impacted that investments in place-based revitalisation were required to break the cycle. Therefore funds used to incarcerate people living in these locations should instead be diverted into strengthening local communities to help reduce their contact with the justice system. In reality, however, this approach has not generally been applied to justice reinvestment

in the US. Many initiatives have simply focused on cutting costs, or focused on reallocating funds within the prison system, neglecting the cycle of place-based investment.

Just Reinvest NSW's 2022 reinvestment project sought to determine what reinvestment ought to look like in an Australian and more specifically, an Aboriginal context. The 2022 reinvestment briefing paper was presented as an 'urgent call to action' for the NSW Government, given continuing increases in prison related expenditure and numbers of Aboriginal prisoners, as well as high rates of return to prison for Aboriginal people. A series of 'asks' of the NSW Government were presented in this paper, which also emphasised alignment between these asks and commitments made by the NSW Government under the National Agreement on Closing the Gap priority reform areas.¹⁴

Representatives from Bourke, Moree and Mount Druitt came together in person with government representatives, funders and other key stakeholders in late 2022 to talk about how best to progress implementation of reinvestment in NSW, with communities talking through the below expectations or asks they had for the NSW Government.



Professor Jack Beetson, Co-Chair Executive Committee, NSW Justice Reinvestment Forum, November 2022

¹³ See Allison, F. (2022). Appendix A sets out a chronology of JRNSW work with reinvestment.

¹⁴ National Agreement on Closing the Gap. (2020). Canberra: Coalition of Peaks. Available at: <https://www.coalitionofpeaks.org.au/national-agreement-on-closing-the-gap>. pp. 5-15.

Community 'asks' of NSW Government - Reinvestment Project (2022)

- (1)** Acknowledgements of harm caused to Aboriginal people by overrepresentation and that Aboriginal people should lead change, supported by NSW Government reforms in law, policy, funding and decision-making.
- (2)** Co-design of a NSW Justice Reinvestment Action Plan, prioritising ongoing operational funding for Aboriginal-led justice reinvestment backbone and leadership teams; reform to outcomes measurement relevant to financing of justice reinvestment; commitment to shared decision-making around funding allocations at a local level; better access to government data and other data related reforms; and appointment of state/regional government champions/cross-sector leadership groups to authorise different ways of working aligned with community priorities.
- (3)** Co-design of state and local reinvestment mechanisms, with some initial propositions put forward for state-level modelling and progression of a place-based mechanism for Maranguka identified as a priority.

In the intervening two years, much background work has progressed to advance community engagement in justice reinvestment, access to the necessary data and analytical capability to pursue the work, and in other related areas. JRNSW has since stood up a new Data & Research team to support the process, and new communities have begun justice reinvestment processes, bringing the total number of funded justice reinvestment initiatives in NSW to 10 as of the time of writing.

Aboriginal definitions of justice reinvestment (2022)

Based primarily on community discussions conducted to inform the briefing paper and those held at the reinvestment forum, the previous work articulated Aboriginal definitions of reinvestment.¹⁵ In this context, communities highlighted the significant harm and disruptions caused by current justice responses that increase the likelihood of further contact with the justice system. While

acknowledging that mistakes are inevitable, communities called on governments to trust in and support Aboriginal people to lead their own solutions.

Communities also stressed that Aboriginal people do not have enough say in funding decisions impacting their communities. Community controlled and led services and programs are not funded sufficiently, while ongoing resourcing is provided to non-Indigenous services and programs that often fail to deliver positive outcomes and/or contribute to negative outcomes in Aboriginal communities. Communities called for increased access to data on local expenditure and input into funding decision-making, with the view that this could lead to more resourcing for prevention and other interventions managed by Aboriginal community controlled organisations.

Communities wanted to have a say in determining how justice reinvestment progress and success is measured, given that their access to government

¹⁵Allison, F. (2022).

// Introduction / NSW reinvestment journey so far //

funding is tied to initiative outcomes. They may prefer qualitative process-related measures that reflect community views on community-level changes attributable to justice reinvestment, for example, rather than focussing primarily on statistical measures of a reduction in local rates of incarceration.

Communities called for development of a framework informed by Aboriginal community perspectives that sets out mutually agreed outcomes or targets for justice reinvestment, as well as how progress of the same will be evidenced and the monetary values to be associated with them.

Finally, reinvestment was identified in the 2022 paper as having three components.

A. Sustained funding for justice reinvestment backbone and leadership groups.

Aboriginal-led justice reinvestment backbone teams (incorporating community engagement, data, and coordinator roles, for instance) and the local Aboriginal leadership groups that direct their work provide essential infrastructure and inputs for justice reinvestment. They build collaboration across different stakeholders, test and try community-identified solutions to overrepresentation, and ensure community-led decision-making for justice reinvestment, for instance.

B. Place-based reinvestment mechanisms

should be established, initially for Maranguka. Firstly, to fund the Maranguka backbone organisation and the Bourke Tribal Council and secondly, as a pool of flexible funding tied to outcomes as agreed by both government and the community, and that is in the control of the Bourke community.

C. The modelling for a state-wide mechanism needs further consideration, but the idea of a levy imposed on the NSW Government to establish a source of funding based on the number of Aboriginal people incarcerated was one option raised (see further discussion below). Ideally, a state-level mechanism:

- must incorporate community control;
- will likely support early intervention/prevention and community-led, place-based initiatives;
- may draw from existing correctional budgets;
- and may also increase government accountability to enact reform necessary for reducing overrepresentation.

On this last point, the mechanism design will need to confront the reality that some existing policy and law contributes to disproportionate Aboriginal contact with the justice system. Without government reforms in these areas, community-based work is unlikely to be successful in reducing overrepresentation. Reforms might include changing policies or practices that increase the likelihood of police contact, refusal of bail, bail breaches, parole breaches and/or returns to prison. In short, wherever government systems disproportionately impact Aboriginal people and drive people into the criminal justice system above and beyond what is needed to ensure the rule of law, reform will be needed for justice reinvestment to succeed.

WHAT HAS BEEN SUCCESSFUL (OR NOT) ELSEWHERE?

The remainder of this paper unpacks the questions, challenges and trade-offs that require consideration in defining the detail of a policy mechanism for reinvestment in NSW. To aid in this, it is useful to look at what elements of different justice reinvestment models have contributed to success outside of Australia.

There are several international case studies that can be drawn on to understand the key elements needed to design and implement successful justice reinvestment initiatives in Australia. The effectiveness of community-led planning was evident in New Zealand's Youth Crime Action Plan, which was created in 2011 by government agencies in consultation with 20 communities and Māori groups to address the key drivers of youth crime and recidivism. This action plan delivered strong results in the decade following its implementation, seeing a 36% reduction in the total number of young people in custody and a 26% decline in Māori youth in custody.¹⁶

The Community Connections for Youth diversionary program in New York is another example of successful community-led planning. Government grants were allocated to community groups to create personal development plans for young people who had been arrested and were awaiting a court hearing, with the aim of rehabilitating those in the system to prevent future offending.¹⁷

Independent evaluation found that participants were less likely to be rearrested, with only 16% being rearrested and only 5% having new charges brought against them.¹⁸ Further, over half of the youth participants voluntarily remained in the program upon completion, demonstrating long-term engagement.

Successful international examples often had bipartisan political support and included policy and/or legislative reform. For example, a justice reinvestment initiative in the US state of Kansas saw the state prison occupancy rate fall from 100% to 82% when diversionary policies were introduced for those charged with drug offences, resulting in more supervision programs and non-custodial sentences for those who would normally have been jailed.¹⁹ These measures included improving the legal infrastructure to encourage more prosecutor diversions (resulting in more offenders being sent to treatment centres) and establishing specialty courts designed for drug charges.²⁰ There was also an overhaul of parole supervision rules, ensuring individuals were only supervised by one corrections entity at a time to improve their likelihood of meeting mandated conditions. These interventions generated a cumulative saving of \$18m which was used to further strengthen these policies and ensure more people benefited from these cost-effective, non-custodial alternatives.

¹⁶ Ministry of Justice (2023). *Youth Justice Indicators Summary Report. April 2023*. Wellington: Ministry of Justice. Available at: <https://www.justice.govt.nz/assets/Documents/Publications/Youth-Justice-Indicators-Summary-Report-April-2023.pdf>.

¹⁷ Community Connections for Youth (2014). *South Bronx Community Connections: An innovative approach to diverting youth from juvenile justice involvement using a positive youth development framework built on the strengths of grassroots faith and neighborhood organizations*. Bronx: Community Connections for Youth. Bronx: Community Connections for Youth. Available at: https://www.nycourts.gov/ip/justiceforchildren/PDF/RestorativePracticeConf/J2-Austria-CCFY-SBCC-Companion_Guide.pdf

¹⁸ Sakala, L., Harvell, S. & Thomson, C. (2018). *Public Investment in Community-Driven Safety Initiatives: Landscape Study and Key Considerations*. Washington, D.C.: Justice Policy Center. Available at: https://www.urban.org/sites/default/files/publication/99262/public_investment_in_community-driven_safety_initiatives_0.pdf.

¹⁹ Justice Center (2022a). *Justice Reinvestment in Kansas*. Available at: <https://csgjusticecenter.org/projects/justice-reinvestment/past-states/kansas/> (accessed 22 November 2024).

²⁰ Justice Center (2022c). *The Justice Reinvestment Initiative in Kansas*. Available at: <https://csgjusticecenter.org/wp-content/uploads/2022/12/JRI-in-KS-Improving-Supervision-Expanding-Diversion.pdf> (accessed 8 November 2024).

// Introduction / What has been successful (or not) elsewhere? //

A similar policy approach was pursued in Texas, where bipartisan bills were introduced to improve the approval rate of parole board hearings and increase the availability of treatment facilities, which further improved parole rates and recidivism. The cumulative result of this ongoing reform process was the closure of three correctional facilities and a significant decrease in prison admissions, with only 529 individuals being admitted in the period between January 2007 and December 2008 (compared to the forecast of 5,141).²¹ Furthermore, these declining admissions were so promising that plans for a future prison were scrapped.²² During this time, there was also an increase in parole approvals and a fall in revocations to prison from parole (25%) and from probation (4%), demonstrating an increased use of non-custodial options.²³

These examples from the US demonstrate the importance of bipartisan political support for justice reinvestment policies, as well as the importance of a coordinating body to establish these policies. Kansas and Texas legislators received support from the Justice Center to establish these policies. Funding for the Justice Center comes from the US Department of Justice in collaboration with the Pew Charitable Trusts, and this enables the body to provide support and resources to state governments interested in pursuing a justice reinvestment approach.²⁴ These resources are primarily used for data collection and analysis to determine the underlying drivers of crime, as well as for conducting policy analysis to uncover legislative opportunities to implement justice reinvestment policies. The Justice Center also provides support during the implementation phase and with ongoing data monitoring and evaluation tools to gauge success. The Albanese government has provided funding for a National Justice Reinvestment Unit as part of its commitment to justice reinvestment, which is being stood up as of early 2025. To summarise, the common characteristics of successful initiatives include:



Community involvement



Partial government funding



Investments in rehabilitative programs



Increased use of non-custodial alternatives



Bipartisan political support



Criminal justice policy and/or legislative reform



Support from a central coordinating organisation



Ongoing data gathering, research and evaluation

²¹Justice Center (2009). *Assessing the Impact of the 2007 Justice Reinvestment Initiative*. Available at: https://csgjusticecenter.org/wp-content/uploads/2020/02/Texas_Bulletin.pdf (accessed 8 November 2024).

²²Justice Center (2009).

²³NB: Parole is when an offender is permitted to serve the remainder of their prison sentence in the community, while probation is a sentence that is served entirely in the community, under supervision.

²⁴Justice Center (2022b). *Justice Reinvestment Initiative Fact Sheet*. Available at: https://csgjusticecenter.org/wp-content/uploads/2022/08/JRI-Fact-Sheet_2022.pdf (accessed 8 November 2024).

A solid yellow square is positioned in the top left corner of the page.

Components of a reinvestment mechanism

Justice reinvestment has always been closely associated with efforts to change how funding and finance work, as well as changing policing, prisons and the justice system. At the heart of justice reinvestment is the idea that money currently spent on police and prisons might be redirected into strengthening communities, as noted above. However, while some justice reinvestment initiatives have been able to access short-term funding from both governments and philanthropists, the promise of ‘reinvestment’ as a key mechanism for delivering real change in Aboriginal communities has yet to be realised. Most funding remains ad hoc or grant based. Developing a viable reinvestment mechanism – that is, a way of funding justice reinvestment through the savings that successful initiatives deliver – will provide funding certainty and the ability to scale up justice reinvestment programs both within and across communities.

When justice reinvestment was first proposed in the US, it was framed as a way of redirecting ‘unproductive spending’ into interventions delivering better social outcomes. The initial US research on justice reinvestment highlighted the high cost of prisons and justice systems, and how these costs are concentrated in often highly racialised and socio-economically excluded inner city neighbourhoods – what justice reinvestment theorists Tucker and Cadora called “million dollar blocks”.²⁵ Prisons and the justice system, they argued, were an inefficient way of addressing the social issues that led to contact with the criminal justice system. So it follows that if communities have greater support, increased carceral costs can be avoided and, ultimately, social programs will effectively pay for themselves.

The idea of justice reinvestment draws on a tradition of research in social policy focused on social investment.²⁶ Social investment changes the way many social programs or initiatives are understood. Instead of presenting health, community development and education as costs to the government, financed through taxation, social investment research compares these programs or initiatives to business investments, which generate returns in the future. Just like building a plant allows a business to produce goods for sale, which grow the initial investment used to set up the plant, social investments strengthen communities in ways that lead to better social and financial outcomes in the future. Those with better health and educational outcomes, for instance, earn more money (and pay more tax, even at current tax rates), and they are less likely to cost government money through expensive carceral and (e.g.) health systems (reducing costs and freeing up money to fund social investments).

²⁵ Tucker, S.B. & Cadora, E. (2003). *Justice Reinvestment. Ideas for an Open Society*, 3(3), pp.2–5.

²⁶ Morel, N., Palier, B. & Joakim Palme (2012). *Towards a social investment welfare state?: ideas, policies and challenges*. Bristol: Policy Press.

// Components of a reinvestment mechanism //

Justice reinvestment builds on the idea of social investment to develop the concept of 'reinvestment'. Here, the initial investment might come from 'new' money, like the philanthropic and government grants used to fund justice reinvestment to date, but as the projects succeed, they generate returns that can be used to ensure justice reinvestment initiatives are sustainable and can be scaled up. In Australia, justice reinvestment has been adapted from the US model to focus on high levels of Aboriginal incarceration, and with this, on self-determination and community control as key to ensuring better justice and other outcomes. The concentrated impacts of policing and prisons on Aboriginal communities and the role of self-determination in avoiding these impacts and delivering positive change underscores justice reinvestment's emphasis on community-led, placed based solutions. The potential to support this model by tracing the interactions of community projects, social benefits and financial outcomes leads to the centring of data and systems thinking within justice reinvestment.

High and increasing incarceration and recidivism rates are not only expensive, they also demonstrate that the status quo does not work. The failure of the current system opens policy space for new ways of doing business, highlighting the need for new, community-led ways of working. This policy space is partly financial, but it is also substantive. Communities benefit from keeping people out of prison who then make important contributions to their local communities. Everyone benefits from lower crime and greater social trust.

Understanding justice reinvestment in both financial and substantive terms also highlights how we might think about reinvestment. We can think of reinvestment in stages. First, initiatives might be developed with seed funding (initial investment) to help get things going. Once communities can show their models work, this would trigger 'reinvestment' that ensures the initiatives are sustainable and can scale up, and ensures better local outcomes that help foster community initiatives. Second, it reflects a collaborative relationship between government and communities. More so than in the US, in Australia the process of reinvestment is about using data and systems thinking to build trust and otherwise shift the relationship between governments and communities, which allows programs to grow and community control to expand. Finally, justice reinvestment retains the central idea developed internationally – that successful community initiatives fund themselves. Showing how justice reinvestment provides better outcomes and expands community control without creating additional demands on government funding remains key to its appeal.

// Components of a reinvestment mechanism //

BUILDING A REINVESTMENT MECHANISM FOR JUSTICE REINVESTMENT IN NSW

A reinvestment mechanism might sound purely technical, but at heart it is about relationships, trust and control. There are big stakes involved in any financing mechanism, because it delivers real resources and real control. Establishing a reinvestment mechanism therefore requires trust. Governments will need to be assured that reinvestment reflects evidence of improved outcomes and reduced costs, and communities will need to be assured reinvestment brings real resources and control. A reinvestment mechanism also needs to be widely applicable, setting clear expectations and providing everyone with confidence that they know how it works, and reassurance that resources will be allocated fairly and transparently. Building a successful mechanism is therefore about building trust and relationships. Further, communities will also need to consider other factors when preparing for implementation of a mechanism, including community readiness, the size of the community, and how far they have progressed in the justice reinvestment space.

Fortunately, there is already considerable common ground. As identified in the 2022 paper, much of reinvestment and justice reinvestment more broadly aligns with commitments made by the NSW Government under Closing the Gap.²⁷ Moreover, the key elements of justice reinvestment initiatives – that they are place-based, community-led, data-driven and systems-focused – are largely supported by government in a justice reinvestment-specific context and reflect how a reinvestment mechanism might work. There is agreement that a reinvestment mechanism will be data-driven and connect different elements of the policy system, and that the funding should support approaches that are place-based and community-led. There is also agreement that effective justice reinvestment initiatives create benefits both directly and financially. These shared understandings form the basis for a successful

mechanism, which uses data to demonstrate how community-led initiatives deliver real savings and that can be used to ensure those initiatives are financially sustainable and can be scaled up.

Of course, anything to do with funding is also technical. Partly this is because building trust requires transparent ways of doing things. Agreeing on what outcomes we are hoping to achieve, what evidence we are relying on and how that evidence is evaluated all require agreements that are likely to be technical. This is partly because justice reinvestment works differently to the way our funding systems have been designed to work. Government funding models are generally designed to ensure government control (or public accountability) over how funds are spent, rather than autonomy for Aboriginal decision-making. The financial logic of justice reinvestment also challenges government budgeting models, because justice reinvestment spending takes place in different portfolios to justice reinvestment savings. The savings happen after the spending, plus many of the savings arise by avoiding costs that are not even in the budget yet because they happen in the future.²⁸ All of this requires new systems thinking and techniques to connect justice reinvestment investments to government savings.

In the rest of the paper we explore the different questions that emerge when thinking about creating a reinvestment mechanism, and the different models that might be advanced. We start from an understanding of reinvestment as trust, relationships and control, and consider what reinvestment means in practice and what kind of models we might employ. We then think about who should be involved, what we are trying to achieve, how we build confidence that things are working, and how we manage risk when things do not go according to plan. Mapping out these questions is the beginning of building a reinvestment mechanism together.

²⁷ See Allison, F. (2022), p. 8.

²⁸ See Bryant, G. & Spies-Butcher, B. (2022). *From marketisation to self-determination: Contesting state and market through justice reinvestment*. *Environment and Planning A: Economy and Space*, 56(1), pp.216-234. doi: <https://doi.org/10.1177/0308518x221125797>.

WHAT DO WE MEAN BY REINVESTMENT?

We have highlighted that “reinvestment” can mean the literal reallocation of funds, but it might also include the reinvestment or reallocation of trust, power, decision-making, or other components. Implementing any version of reinvestment is likely to raise technical challenges, which can be addressed in a variety of ways. Here we look to other examples from justice reinvestment internationally, and from similar policy efforts in other areas, to identify three broad conceptual approaches. These approaches are potentially flexible and not mutually exclusive, but discussing them separately can be a useful way to think about how to build an effective reinvestment mechanism.

1. Financial reinvestment.

This approach seeks to create a flow of money to match the financial impacts of community actions and/or of systemic reform. It reflects a causal logic – that is, an action caused less people to be in prison, which caused the government to spend less money. Ideally, reinvestment flows when these causal relationships can be agreed upon and demonstrated, and the amount of money reinvested/transferred reflects the amount of money saved.

2. Changing how governments budget.

Governments have made several changes to how they account for public money to reflect different goals and values; a reinvestment mechanism might involve new forms of public budgeting. For example, ‘global budgeting’ was designed to allow schools more budget autonomy alongside cost constraint,²⁹ ‘intergenerational reports’ are designed to identify long-term costs and benefits,³⁰ ‘gender budgeting’

to identify how policies impact men and women differently,³¹ and ‘wellbeing accounting’ to highlight how policies improve social outcomes, not just state finances.³²

3. Changing governance.

Reinvestment mechanisms suggest precise allocations of money via a formula, but that is not necessarily the case. Instead, we could have a process that sets out benchmarks and timelines for transferring governance and certainty over funding streams and monitors outcomes (both social outcomes and governance/control outcomes) against benchmarks. For example, grants might be amended to provide longer term funding certainty, and steps to share data and decision-making linked to achieving outcomes, as well as shared approaches to responding when things do not work. A reinvestment mechanism might be a shared governance framework, and might even include agreed law reforms designed to reduce overrepresentation.

These different approaches reflect different priorities. Financial reinvestment – the most literal approach – prioritises identifying a causal link between inputs and changes, and precisely quantifying fiscal impacts to capture and redirect finances. This approach favours private finance models and some public finance models (discussed further below) because they are based on the kind of technical accounting implied here.

However, reinvestment also reflects a change in the organisation of public funding and community

²⁹ Callender, G. & Johnston, J. (1995). *Re-engineering Australian Education Systems: The NSW Experience - Innovation or Enervation?* *International review of administrative sciences*, 61(3), pp.385–405. doi: <https://doi.org/10.1177/002085239506100306>.

³⁰ See NSW Treasury (2022). *2021-22 NSW Intergenerational Report*. Sydney: NSW Government. Available at: <https://www.treasury.nsw.gov.au/nsw-economy/2021-22-nsw-intergenerational-report>.

³¹ Sawyer, M. & Stewart, M. (2020). *Gender Budgeting*. In *How Gender Can Transform the Social Sciences: Innovation and Impact*. Springer International Publishing Switzerland, pp.117-126. https://doi.org/10.1007/978-3-030-43236-2_12.

³² Productivity Commission (2023). *Measuring What Matters Statement: Australia's First Wellbeing Framework*. Canberra: Australian Government. Available at: <https://www.apsc.gov.au/initiatives-and-programs/workforce-information/research-analysis-and-publications/state-service/state-service-report-2023/aps-future/measuring-what-matters>.

// Components of a reinvestment mechanism / What do we mean by reinvestment //

control, drawing on evidence to demonstrate that justice reinvestment initiatives do not increase overall state spending. This approach retains the essential principle of reinvestment while allowing situations where there are different instances of savings and investments over time and across parts of government. Governments and communities work together to share information and control. As governance changes, outcomes are monitored to reassure government that impacts are real and will reduce pressure on state spending, and Aboriginal communities are reassured that the shift in control is real and leading to outcomes or benefits they value.

Changing governance and how governments budget, prioritises a change in the control of public resources. These approaches focus on identifying and achieving social outcomes and benefits, and credibly capturing social value within budget numbers. These approaches favour public finance models of justice reinvestment, which operate by reforming budget processes to recognise and reallocate avoided costs as fiscal and social returns.

Lastly, it is important to differentiate reinvestment from recurring funding. Existing justice reinvestment initiatives in Australia are largely funded according to government and philanthropic grants. While most of these grant mechanisms allow for recurring funding, they fall short of meeting the principles of justice reinvestment because:

- they do not provide long-term, flexible, sustainable sources of funding for communities,
- funding is finite and may be reduced/no longer available as governments change,
- they have limited scope for community control over how and when funding is used,
- they have not incorporated a data-driven cycle of reinvestment,
- the resources available are typically not of a size or horizon necessary to achieve justice reinvestment goals,
- there are barriers to access, and
- they are not well-suited to funding whole-of-community initiatives across existing silos.³³

Importantly, the vision of reinvestment is not only that funding recurs – in a successful justice reinvestment scenario, the pool of funding should continually grow. Initial success in reducing demand for the criminal justice system should unlock resources that can amplify the next cycle of impact, resulting in even greater reductions, yielding greater reinvestments, and so on and so forth. This does not have to mean an unlimited reallocation of taxpayer funding to Aboriginal communities; presumably, the investments communities need in health, education, and other preventative spaces are much more cost effective than money spent on prisons and youth detention – in large part, because they also generate economic growth, creating benefits both within and outside the cycle of reinvestment.

The core difference is that by creating a growing pool of resources based on expanding successes, the reinvestment mechanism can continually extend justice reinvestment to reach a growing number of people and communities, can scale up the impact to effect systemic change, and create incentives for communities to innovate on successful solutions.

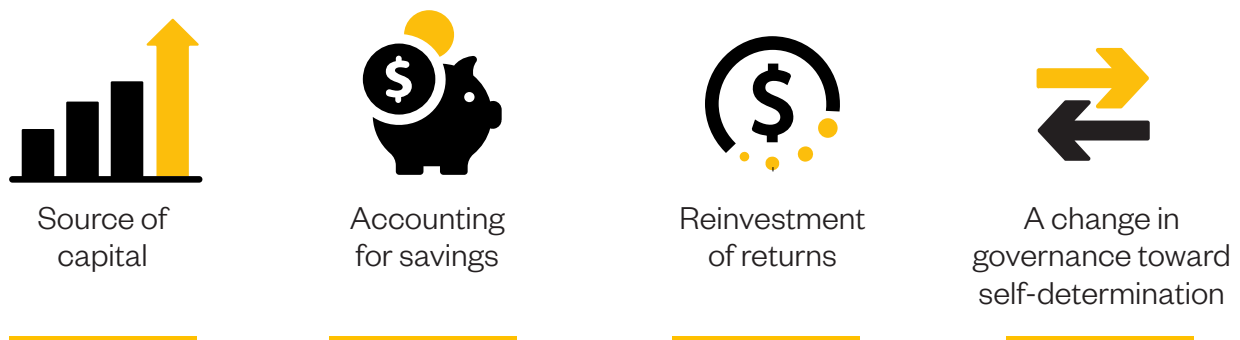
For example, one of the existing Australian grant programs has ambitions to develop the infrastructure for supporting reinvestment in the long run, but senior officials leading the program shared with JRNSW that this will only be available to communities that are successful grantees of the program. This is an example of recurring funding, but it limits the scope of potential success to communities that were ready to make a grant application and were able to meet grant criteria as funds became available. It does not incentivise new communities to explore solutions to reducing overrepresentation, and it incentivises currently funded communities to tailor their work to meet grant criteria, rather than truly innovating with community-led solutions. Further, by limiting possible participants, it does not facilitate truly systemic change, but rather keeps success localised and small. Justice reinvestment has the potential to be far more transformative than simply a source of recurring funding.

³³ See Allison, F. (2023), Sections 6 & 7.

WHAT KINDS OF MODELS MIGHT WE CONSIDER?

The above section outlines three ways in which we think about reinvestment; three conceptual approaches. Implementing justice reinvestment also requires a model to (re)allocate resources. This section looks at the details of possible models, in terms of the core components the final design will need to have and the types of instruments that might be incorporated to build it. None of these categorisations should be considered mutually exclusive, but rather like a menu of options to select from.

Possible models can be understood on a spectrum, with differences in terms of four core elements that must be incorporated or addressed in some form:



Justice reinvestment needs upfront financing to deliver community initiatives that will have positive impacts. Capital for justice reinvestment initiatives can come from government budgets (public finance), philanthropic funding (non-government, non-profit) or market (private investor) sources. It can be delivered through different kinds of contracts, from grants and funds to market instruments to Treaty or other agreement-making processes. The important point – and the limitation of existing grant programs – is that the upfront investment is only the start of a broader process. To create a sustainable cycle of investment and positive outcomes, there must be some way to account for savings in one area and reinvest those savings in another area.

A central premise of justice reinvestment is that it avoids the costs of Aboriginal overrepresentation in the criminal justice system to government budgets (fiscal savings) and the broader society and economy (both economic and non-economic costs). These avoided costs can be accounted for by measuring the value of justice reinvestment initiatives against the cost of a baseline forecast of budgetary and socio-economic costs in the absence of justice reinvestment. Accounting for savings requires a series of decisions about what is being measured, including the place, or justice reinvestment community, being evaluated; the period being considered; and the scope of potential savings (budgetary vs broader socio-economic).

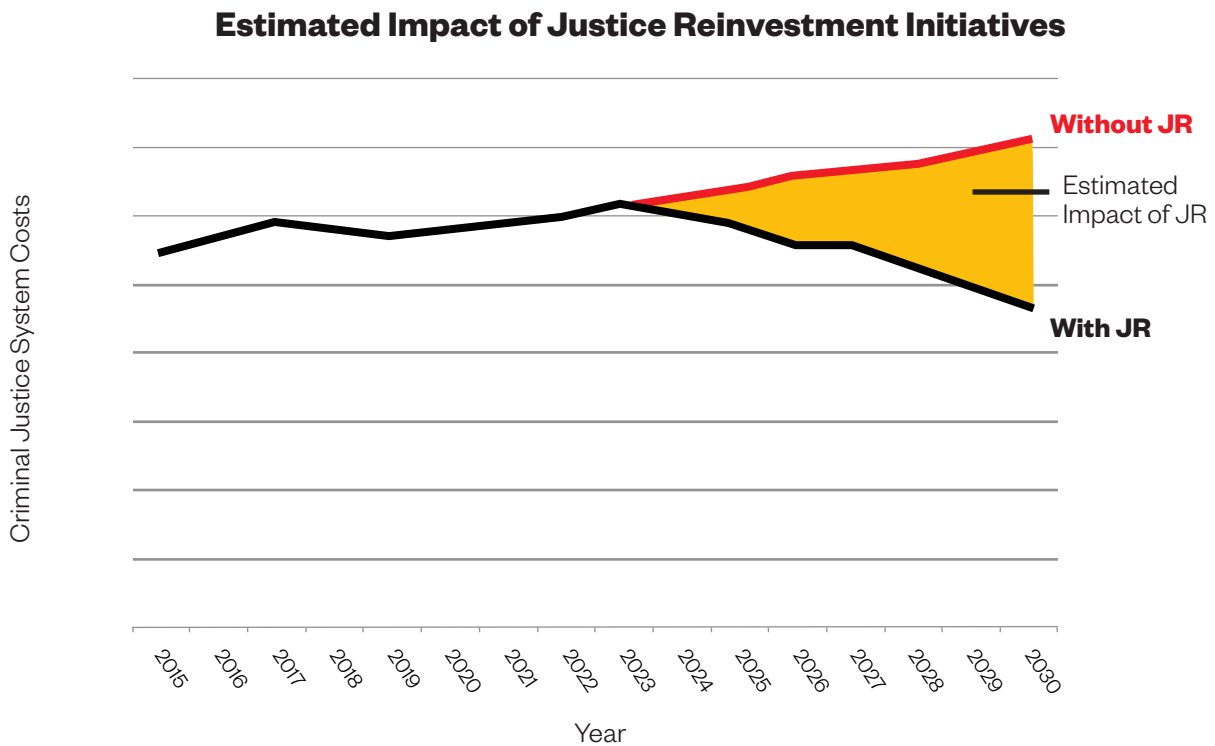


Figure 2: A model showing the projected cost savings of justice reinvestment to the criminal justice system over time.

The ambition of justice reinvestment is to unlock long-term, flexible and sustainable resources for expanded community control over services, programs and governance. Where savings are identified and achieved, these are conceptualised as returns on investment and should be reinvested according to community priorities. Reinvestment may involve a direct reallocation of resources from other government departments to communities, an agreement by funders to provide additional resources according to success, or providing longer term funding certainty alongside credible evidence that initiatives are working and are cost effective for justice reinvestment teams and programs. In practice, reinvestment policy mechanisms are likely to include a combination of features.

Finally, a shift towards self-determination in governance is important in ensuring Aboriginal communities are involved in this process in a

meaningful way, and that they will benefit from the process. Self-determination enables positive outcomes and ensures communities greater input into the projects affecting their community and increased control over resources, and thus helps to guide any justice reinvestment resources in a way that will bring change to the community. It also enables communities to determine their level of readiness to pursue a justice reinvestment approach, and guide their approach.

There are various models for achieving these goals. These three elements can be used to identify four broad models of justice reinvestment, from which a reinvestment mechanism can be designed:

1. Funding reform
2. Social impact investment instruments
3. Social investment budgeting
4. Agreement-making

// Components of a reinvestment mechanism / What kind of models might we consider //

The main differences between these models are the different methods for accounting for savings that they imply, the political decision-making processes for developing them, and the legal instruments necessary to implement them.

A funding reform model seeks to reallocate existing sources of government funding in line with justice reinvestment principles. This would mean that funding for justice reinvestment should meet community funding requirements, follow community-determined goals, and reward success in key justice reinvestment outcomes (e.g. reduction in incarceration) with reinvestment. Changes might be made to how government budgets are developed, for example changing budget estimate calculations to include projected justice reinvestment savings. Funding reform might also include changes to how NSW Treasury evaluates spending to reflect justice reinvestment goals, measures and shared evaluation frameworks.³⁴ There is some possibility of reforming government grant-based mechanisms in this way, as a minimum improvement to the process.

Alternatively, funding reform might involve the creation of a separate budget entity. Possibilities include creating a community-administered justice reinvestment fund, like Victoria's Self-Determination Fund for supporting its Treaty process.³⁵ This can be a source of up-front financing, although seed funding is already available through existing government and philanthropic grant programs. And/or, it can be a fund into which reinvested savings are deposited to become available for community use.

Another possibility which has been previously canvassed by JRNSW is an internal government levy on criminal justice spending, which would provide a source of funding for justice reinvestment

commensurate with the problem it is seeking to address (i.e. levels of incarceration). While this imposes the right incentives on government by imposing an additional cost on rising rates of incarceration, there are downsides to this proposal. It potentially creates the wrong kind of incentives for communities, because the possible pool of reinvested savings *shrinks* rather than grows if justice reinvestment work across all communities is sufficiently successful in reducing state-wide incarceration levels.

In any reformed funding model, ongoing budget impacts of justice reinvestment are monitored, and the identification of savings is the basis of ongoing funding that does not negatively impact budget balances. However, funding under this model would need to be protected from future political decisions to withdraw it, perhaps by being implemented by a piece of legislation rather than ministerial-level policy.

A social impact model would extend existing experiments in innovative social finance to justice reinvestment. Social impact investments usually involve market-like contracts between governments, non-government organisations, and investors, who agree to provide funding, finance and/or services contingent on the delivery of certain impacts that make measurable reductions in government budgets.³⁶ The most prominent example includes social impact bonds and other payment-by-results contracts that have been used to finance justice-related programs (e.g. anti-recidivism)³⁷ and other areas of social policy and welfare (e.g. out of home care, homelessness) in Australia and internationally.³⁸ In these models, typically a private investor (either for-profit or not-for-profit) agrees to provide upfront capital to a non-government organisation for a particular set of activities, and

³⁴ For example, building on NSW Treasury (2024a). TPG24-28 First Nations Investment Framework. Sydney: NSW Government. Available at: <https://www.treasury.nsw.gov.au/documents/tpg24-28-first-nations-investment-framework>.

³⁵ See First Peoples' Assembly of Victoria (2024). Self Determination Fund. Available at: <https://www.selfdeterminationfund.org.au/> (accessed 22 January 2025).

³⁶ See the Australian Government's overview of social impact type approaches at Australian Government (2024). Australian Government principles for social impact investing. Available at: <https://treasury.gov.au/programs-initiatives-consumers-community/social-impact-investing/australian-government-principles-for-social-impact-investing> (accessed 22 January 2025).

³⁷ For example, Disley, E., Giacomantonio, C., Kruithof, K. & Sim, M. (2015). The payment by results Social Impact Bond pilot at HMP Peterborough: Final process evaluation report. United Kingdom: Ministry of Justice.

³⁸ See Dobrovic, J., Boddy, J. & O'Leary, P. (2024). Social impact bonds and homelessness: A review of the literature, *Australian Social Work*, 77(1), pp.22-34.

// Components of a reinvestment mechanism / What kind of models might we consider //

the government agrees to repay the investor, with a return, if particular outcomes are met. If such a model were used in justice reinvestment, returns would need to be reinvested in the community, rather than fully captured by an external investor, with provisions for initiatives to be extended or expanded beyond the end of individual contracts.

Social investment budgeting models adopt an approach to reinvestment that re-defines certain forms of government spending as an investment in community and citizen capabilities, rather than budgetary costs. They combine recognition of social rights with an understanding that upfront public investment in social infrastructure delivers returns by preventing the ongoing need for spending on things like ill health or punitive responses to crime. Retroactive spending on problems is considered “unproductive” in economic terms because it does not have any positive flow-on effects. Conversely, proactive spending on prevention puts people in the best position to contribute to society and the economy, and thus delivers higher taxation revenue, among other benefits. Therefore, these budget lines can be considered investments rather than costs.

Examples of this approach are primarily in Northern Europe, such as ‘housing first’ models that endeavour to ensure everyone has access to adequate housing, as a foundation of wellbeing that delivers a broad range of other social benefits. Social investment models therefore go beyond both the reallocation of existing government funding or the search for private sources of funding for justice reinvestment, and instead expand upfront public investment in communities.³⁹

While social investment models are data-driven and outcomes-focused, the foundation of investment is a recognition of the social and legal rights of individuals and communities owed by governments – a social investment logic recognises that these rights can be secured in ways that both improve wellbeing and reduce long-term costs. Social investment might also change how we value different contributions, for example explicitly valuing the community knowledge, networks and time that make justice reinvestment initiatives successful within government funding models or contracts.

Agreement-making between governments and communities involves a stronger assertion of Indigenous sovereignty and rights to self-determination. Agreement-making models exist in, for example, state-based Treaty processes and resources projects. The Maranguka justice reinvestment initiative has developed a collaboration agreement with key funding and other stakeholders that formalises the community’s partnership with government and identifies its expectations of stakeholders in terms of support for Maranguka’s justice reinvestment strategy. Agreement-making models for justice reinvestment represent a funding model that recognises relevant community governance bodies as the bodies with the power to negotiate with government regarding the terms of funding and community control over resources for justice reinvestment.

³⁹ See Laruffa, F. (2021). *Promoting social goals through economisation? Social investment and the counterintuitive case of homelessness*. *Policy & Politics*, 49(3), pp.413-431.

// Components of a reinvestment mechanism / What kind of models might we consider //

The choices involved and features of these four ideal-typical models of justice reinvestment can be conceptualised according to the figure below. The vertical axis represents the relative choice between implementing justice reinvestment through internal reforms to government budgeting processes compared with governments making different kinds of market or Treaty-like contracts with private actors and/or Aboriginal communities. The horizontal axis represents the choice between the more economic logic of outcomes or results-based financing compared with the legally grounded rationale of resourcing following the inherent rights of Indigenous peoples.

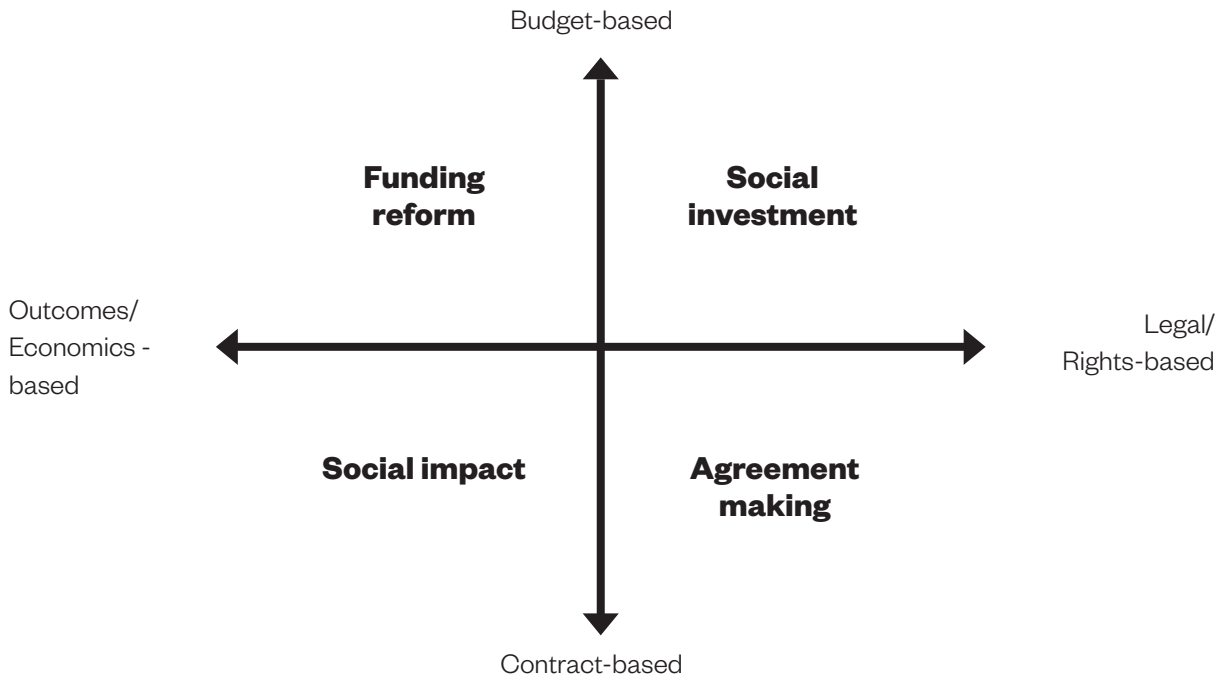


Figure 3: A matrix of the four ideal-typical justice reinvestment models.

In practice, reinvestment mechanisms will be hybrids that include elements of different models. A key issue is the governance model that underpins the mechanism, and the extent to which it supports self-determination through community control. Effective reinvestment will necessarily involve power sharing or shifting from government to community, by expanding community control over real resources and outcomes. Government arrangements are critical for setting out benchmarks, timelines and accountability for funding streams, program delivery and the monitoring of outcomes. Reinvestment models are also complemented by law reform and policy change that are justified according to the returns they deliver to communities and government.

HOW DOES THE REINVESTMENT CYCLE WORK?

This section asks how the benefits of justice reinvestment create a positive cycle, based on the approaches outlined above; how do we ignite the benefits that stakeholders are interested in, and then how does reinvestment feed back into a growing cycle of impact? The questions to consider in this section include what the third element of the mechanism – reinvestment of savings – could look like.

It is useful to note that some background estimations or “working numbers” are likely to be needed, both in designing the reinvestment mechanism, setting targets to trigger reinvestment (if that is applicable), and for informing community decision-making about possible solutions. The following estimations and models are items on JRNSW’s current research agenda, but could also be developed by government or by a justice reinvestment coordinating organisation or operational support body other than JRNSW, if established. Relevant work includes but is not limited to:

- Projections or estimates of future savings/avoided costs, to determine the expected savings to be made available for reinvestment. This is especially important if the model uses a financial instrument like a social impact bond.
- The needed scale of up-front investment. If the initial source of capital is too small, it cannot ignite a cycle of impact and reinvestment. For example, estimates might (hypothetically) show that it costs \$500,000 to make a 1% reduction in incarceration in a given community; if the justice reinvestment organisation in that community only receives a grant of \$300,000, they will not be able to achieve a measurable reduction that triggers reinvestment, and it will appear as if justice reinvestment has failed.
- Realistic time horizons for the agreed outcomes. For example, recidivism rates are notoriously “sticky” and may not show quick changes. Similarly, if incarceration rates are a key metric and communities are working to impact them upstream by improving education and youth engagement, it may take years to see effects in terms of the adult incarceration rate. It is important that the mechanism design allows sufficient time for success in these terms to materialise.

// Components of a reinvestment mechanism/How does the reinvestment cycle work?//

In defining the model and instruments for reinvestment, we might consider the following questions:

How does the model connect benefits back to the next round of inputs?

The previous section explored several possible models for the reinvestment mechanism. Each has its own way of connecting the benefits of justice reinvestment work to a cycle of future inputs. The goal of any finance mechanism can be thought of in terms of accounting, but is really about creating confidence that financial benefits are being realised and are accruing appropriately. Recalling our possible conceptual approaches, prioritising a purely financial approach to reinvestment is the most literal way of achieving this; however, it is worth noting that implementation at scale also incurs costs (both monetary and non-monetary), such as a need for precise evaluation at the level of every justice reinvestment initiative. These should be considered in the mechanism design. If the priority is that all stakeholders are assured that the benefit(s) they prioritise are being delivered, then other approaches may serve this goal equally well in a more practical way.

How are benefits to be shared?

It is likely the savings that result from reduced demand on the criminal justice system will exceed the resources that are reasonably needed for justice reinvestment work. Proper estimates should be developed based on agreement on key outcomes of interest. But, we know that current justice reinvestment grants are in the small millions of dollars per community (at best), and the estimated avoided costs to the NSW government of rectifying Aboriginal overrepresentation in the justice system have been estimated at \$1.028 billion. Thus, even making several hundred million dollars available for justice reinvestment work (which is more realistic to trigger systemic change) leaves a surplus that could be returned to government budgets, to non-government investors in a social impact investment instrument, and/or to the taxpayer at large (which includes Aboriginal communities). The funds that are reinvested in justice reinvestment work, which may even be a sizable majority of the avoided costs, must then be divided in a practical and equitable way, which is something the policy design process needs to tackle up front.

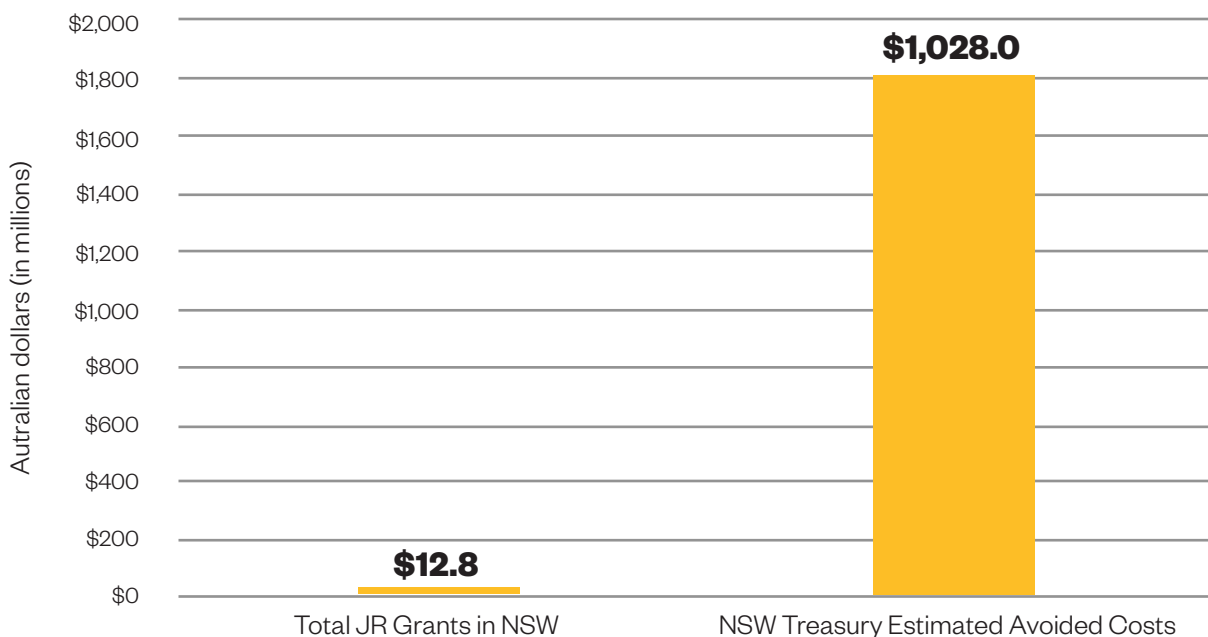


Figure 4: A comparison of the combined 2023-24 grant funding for justice reinvestment initiatives in NSW compared to the projected avoided costs by NSW Treasury if Aboriginal representation in the criminal justice system reflected the population ratio. Data source: NSW Treasury (2024b).

// Components of a reinvestment mechanism/ How does the reinvestment cycle work? //

Where do reinvestment funds go?

Whatever mechanism is used - funding reform, social impact, social investment, or agreement-making model - it will be important to specify how reinvestment funds are to be directed so that the aforementioned goals can be practically achieved. Possibilities include directing funds, in whole or in part, to:

- Justice reinvestment organisations / community backbone teams
- Community controlled funds
- Government and non-governmental service providers, based on community-led prioritisation and accountability processes
- ACCOs that serve the needs identified by communities
- An operational support centre or coordination body that provides services and support to enable justice reinvestment work, such as support for research, data and evaluation
- Some other entity, organisation or mechanism

In weighing the possible options, we might consider what tools or processes are likely to be the most effective for incentivising diverse and innovative place-based solutions, such that there are a growing number of preventative interventions, programs or initiatives that collectively tackle the complex challenges of overrepresentation. Community organisations are most likely to know where progress is being made and what local issues still need to be addressed with reinvestment funds. It is crucial that savings generated by community-controlled activities remain within the community, as they will deliver benefits and enable a degree of self-determination in the planning process.

Community control of reinvested funds helps to maintain the place-based nature of justice reinvestment. There has been a worrying shift in justice reinvestment implementation in the US where cost-savings within the carceral system are prioritised over focusing on reducing demand for the criminal justice system by improving social, economic and political outcomes in specific, highly

impacted communities.⁴⁰ Instead, it is argued that a greater proportion of these savings need to be redirected into community-level investments that properly address the interconnectedness of factors like lack of community control, poverty, education, housing and employment, with a medium- and long-term focus.

At the same time, if any of the above funding entities is intended to make subgrants – such as a community controlled fund that uses reinvestment savings to make grants to NGOs, local business, etc. – it is important to acknowledge that grant making can tend toward programmatic funding (dependent on who is controlling the grant in question and other factors), usually at the expense of operational support. As such, it may be important that funding for community backbone teams and for some kind of coordinating or supporting body is earmarked within the process. We note that while a grant mechanism controlled by the Federal government (the National Justice Reinvestment Program) did provide funding for operations of backbone and leadership teams, in alignment with priorities identified by Aboriginal and Torres Strait Islander communities consulted around program design, this body has not yet been stood up.

Stakeholders will also need to agree upfront on how much control they have or do not have in both the justice reinvestment initiative and the reinvestment decisions. Some mechanism models may be better suited to shifting control of funds; for example, in typical payment-by-results models (a type of social impact investment) government has very little say in how the community achieves the agreed outcomes, and simply allocates funds based on results.

⁴⁰ Dollar, C. W. (2023). *A new coat of paint: The bluewashing of justice reinvestment and realignment to community reinvestment*, *Sociology Compass*, 17(3), <https://doi.org/10.1111/soc4.13072>.

// Components of a reinvestment mechanism/How does the reinvestment cycle work?//

What are reinvestment funds used for?

Stakeholders may want to give some advance consideration to how reinvestment funds might be used, so that the mechanism is not overly restrictive. Communities will need considerable scope to adapt to changing conditions. This is one of the key differences between reinvestment and recurring funding; the goal is to ignite a cycle of ever-broadening impact, rather than to renew grants for the same programmatic activities.

In the short term, it will likely make sense that reinvestment funds are used to scale initial activities and programs that are effectively reducing contact with the criminal justice system. In the medium term, if those initial efforts are successful, it is likely that communities will want to expand the scope of justice reinvestment impact. Indeed, the vision of justice reinvestment is place-based invigoration of communities that had previously faced high levels of harms.

Where communities face prioritisation decisions, they may find it useful to draw on evidence and case studies to understand what has (or has not) worked elsewhere. They may also want to experiment with different solutions, which can be scaled up and out based on successes. This is where a central support body can be useful, by providing data, research, and resources for evaluation.

How is the model practically implemented at scale?

Some of the more challenging aspects are likely to arise in implementing a reinvestment mechanism at scale. Many of the scaling challenges are related to evaluation, and are discussed in detail in the following section. Throughout this paper, we mention several considerations related to scaling justice reinvestment, and encourage stakeholders to address these in the planning process. The important point is that the mechanism must be feasible to implement for every community.

How does the mechanism expand to new communities?

The ability to expand justice reinvestment creates economic and social incentives for new communities to pursue preventative solutions and reduce demand on the criminal justice system. Every community wants to live safely, with high levels of wellbeing and reduced need for high numbers of police or reliance on prisons as the most common response to offending. Justice reinvestment can unlock the resources to make that possible. If the mechanism doesn't have a way to expand justice reinvestment to new communities, it becomes an inequitable policy (as some communities benefit from working with a JR approach and others do not) and it dooms to failure the possibility of achieving large scale returns.

Consider for example that prisons house inmates from across a state or region, not just one community; at the same time, prisons have fixed costs that are independent of their occupancy rates. The greatest economic gains will come from reversing the expansion and even shrinking the prison capacity of NSW, which can only be done by making sizable and sustainable reductions in the number of people in custody. In FY 2020-21, Corrective Services NSW (CSNSW) averaged 12,491 full-time inmates per day.⁴¹ While we know that a disproportionate number of those people were Aboriginal and Torres Strait Islander, most current justice reinvestment communities have fewer than 100 Aboriginal adults in custody. Unlocking major reinvestment resources will require significant successes right across the state of NSW, which will in turn benefit everyone.

Planning for expansion to new justice reinvestment sites might involve dedicated seed funding for new sites from government or philanthropy and/or an expansion fund that is established with a portion of reinvestment funds, perhaps when a certain threshold of success in initial places is reached. These are only two possibilities, and surely more can be explored throughout the design process.

⁴¹ Corrective Services NSW (2024). CSNSW Fact Sheet 1: NSW Prison System. Sydney: NSW Government. Available at: https://correctiveservices.dcj.nsw.gov.au/content/dam/dcj/corrective-services-nsw/FACT_SHEET_1_PRISONS_May_2023.pdf

HOW WOULD WE ASSESS IF THE APPROACH IS WORKING?

Building on the discussion above, a useful benchmark for evaluating success is: do the programs, initiatives, or investments achieve their intended outcomes to the satisfaction of key stakeholders? Defined as such, this approach prioritises trust and confidence, and is sufficiently high-level to avoid locking the process into highly technical evaluation approaches that may be both misaligned with Aboriginal community priorities and difficult or impossible to achieve. Yet at the same time, designing a reinvestment mechanism requires reaching agreement on the details of how to determine that stakeholders are realising their priority outcomes.

This implies two important questions:

- Who are the key stakeholders?
- What are the intended outcomes?

Who are the key stakeholders?

Transparency and mutual agreement upfront regarding stakeholders to a reinvestment mechanism is critical. Whose interests need to be prioritised? Who gets to participate in what decisions when implementing reinvestment? And equally importantly, who does not? Who do we mean by “community” and who do we mean by “government”? Identifying these with some specificity provides continuity, the ability to move forward together, and protects the mechanism from future politics.

There are three broad categories of stakeholders to justice reinvestment:

1. Aboriginal communities, who bear the brunt of the harms from the criminal justice system, and who have the best solutions for reducing these harms.
2. Government, including various government ministers and departments, policy decision makers, implementing teams, and elected officials.
3. Taxpayers, or the broader public at large, who are unlikely to be directly involved in decision-making regarding reinvestment, but who can influence it and for whom money is on the line.

The Aboriginal communities involved in justice reinvestment work have several components, including backbone or coordinating teams, leadership or governance groups, and the wider community.

The category of government stakeholders is equally diverse. Further, political dynamics – which are rarely constant – can either help or undermine the process; in terms of literal reinvestment funding, the degree to which previous agreements are or are not honoured, trust and relationship building with Aboriginal communities, the goals of shifting power and decision-making, and enabling improved self-determination.

The broader tax-paying public are unlikely to be decision-making stakeholders in the mechanism’s planning or implementation. However, it is important to recognise that elected officials and government departments have an obligation to act in the public interest, and their interpretation of how to do this is likely influenced by electoral politics. Successful past experiences suggest that bipartisan support makes justice reinvestment more successful, which should be reasonably easy to cultivate given that the process promises benefits in terms of law and order, fiscal improvements, and better social outcomes – all outcomes the broader public are likely to embrace.

// Components of a reinvestment mechanism/ How would we assess if the approach is working?//

THE 'AUTHORISING ENVIRONMENT' FOR THE REINVESTMENT MECHANISM

One of the important elements of a reinvestment mechanism that needs to be defined is the "authorising environment", i.e., the political or legal decision-making framework that houses the mechanism, and who within government is party to that. Given this is a financing mechanism, it has been suggested that another government department needs to propose a policy to NSW Treasury and NSW Treasury will make a recommendation on the proposal. This recommendation is likely to be based on some costing estimates, such as a Cost Benefit Analysis, and input from Treasury's First Nations teams that address Expenditure and Outcomes and Economic Wellbeing, Economic Strategy & Productivity. Such a pathway makes NSW Treasury a clear stakeholder to the mechanism, as well the

nominating department that proposes a particular policy. The Department of Communities and Justice (DCJ) is an obvious possibility for a proposing department, given that it holds the 'Legal and Justice' portfolio and currently administers the NSW Justice Reinvestment Grant Program.

Government departments might also be reasonably considered stakeholders if they are likely to be affected by justice reinvestment. For example, if another department were to propose the policy to NSW Treasury, DCJ might be considered an impacted stakeholder because the outcomes and fiscal implications of reinvestment could have considerable implications for the department's agencies and portfolios, including CSNSW, Child Protection and Permanency Services, and NSW Police, to name a few.

What are the intended outcomes?

There are two levels of agreement to consider in this process:

1. Agreement on the goals of the reinvestment mechanism design process
2. Agreement on the outcomes that should trigger reinvestment, in whatever form that takes

The first is more straightforward, as the goal of the design process is to arrive at a reinvestment mechanism that creates confidence on all sides and that ensures success is adequately resourced and sustainable (i.e., resources and investment are scaled up to a level that enables successful outcomes, and then sustained there). This provides a useful benchmark for evaluating success, introduced above: do the programs, initiatives, or investments achieve their intended outcomes to the satisfaction of key stakeholders? Approaching

evaluating outcomes in this way is consistent with the approach that reinvestment is ultimately about trust, relationships and control first and foremost.

This subsection explores the idea of reaching agreement on the outcomes that should trigger reinvestment.

A key focus for justice reinvestment sites will be reduced incarceration and other reductions in demand for the criminal justice system. These are the quantifiable reductions that free up financial resources from post-hoc, punitive justice responses so they can be reallocated toward localised prevention approaches. It is important to note that the timeline for seeing these reduced costs is long, as there are a portion of fixed costs associated with the carceral system that will not be impacted by the number of people in prisons.

// Components of a reinvestment mechanism/ How would we assess if the approach is working?//

However, there are additional considerations. Firstly, there are the practicalities of establishing place-based outcome goals within a state-level mechanism. Secondly, there is the task of aligning outcomes across stakeholders with different interests.

- Governments and communities often identify the same justice reinvestment goals, including better employment, education and health outcomes. These are related to improved justice outcomes (including reduced incarceration), as drivers of overrepresentation and as important outcomes in their own right.
- Communities often identify increased self-determination as a justice reinvestment goal in itself and as important to ensuring all other positive outcomes. This manifests, for instance, as increased access to information about how resources are currently allocated and what outcomes they are delivering, and shaping and prioritising different (better, community-preferred) outcomes.
- Governments also value outcomes that save money and/or achieve policy or political goals, some of which align with those of communities, including for instance those identified within Closing the Gap (all four priority reform areas and justice and related targets).
- Communities value funding certainty and control, as well as the addition of new funds through reinvestment and improved service delivery, in alignment with community priorities (e.g., increased cultural safety in government-run services, a preference for Aboriginal-led and run services).
- To what degree should these various goals be pursued because they lead to reductions in demand for the criminal justice system, and/or because they are important outcomes in themselves? How else are they to be prioritised?

The mechanism for reinvestment needs to accommodate different priorities for communities and government. Aligning these priorities may turn out to be straightforward, if the key outcomes that communities identify also genuinely serve the policy goals of reducing costs and delivering better wellbeing outcomes. Practical challenges may arise

in how the mechanism accommodates the specific needs of varying justice reinvestment sites. Would all communities need to agree to the same outcomes in order to be eligible for reinvestment?

One way to manage this complexity is to situate the agreed outcomes in a program logic model that leaves considerable scope for Aboriginal communities to define how those outcomes are achieved independently. Below is an example program logic taken from the NSW Treasury Evaluation Policy and Guidelines, which 'set out mandatory requirements, recommendations and guidance for NSW General Government Sector agencies and other government entities to plan for and conduct the evaluation of policies, projects, regulations, and programs.'⁴² This version of a program logic (and there are many available, with slight variations in their use of terms) defines the highest level of what a program intends to achieve as 'Benefits: the increases in welfare associated with outcomes (including economic, social, environmental or cultural outcomes).' Reaching an agreement on the benefits that justice reinvestment initiatives will work toward can facilitate a framework that offers considerable scope for localised implementation and measurement approaches (discussed further below).

In such a framework, a justice reinvestment site or initiative may pursue several pathways to achieving these benefits – via a variety of programs, and/or other means – and the impact of each can be measured with evidence and evaluation that is fit for purpose on a case-by-case basis. This approach helps to mitigate the risk that a state-level reinvestment mechanism will impose a one-size-fits-all framework on communities and undermine the core principles of justice reinvestment, namely that it is place-based and community-led. It also allows stakeholders to convene around critical, high-level details, such as the expected time horizon for realising these benefits. Too-short time horizons are among the major drawbacks of the current grant-funding approach to justice reinvestment, because they impose unrealistic expectations on results and put community teams in the position of continually chasing funding.

⁴² NSW Treasury (2023). *TPG22-22 Policy and Guidelines: Evaluation*. Sydney: NSW Government. Available at: <https://www.treasury.nsw.gov.au/documents/tpg22-22-policy-and-guidelines-evaluation>.

// Components of a reinvestment mechanism/ How would we assess if the approach is working?//

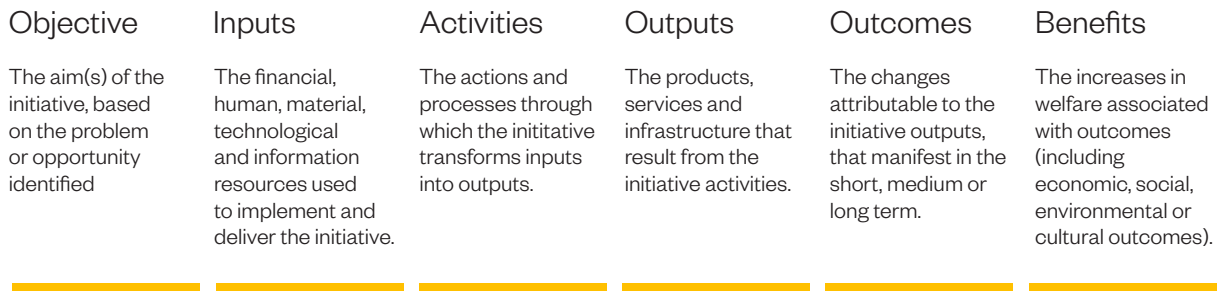


Figure 5: Initiative logic model. Source: NSW Treasury (2023)

The role of evaluation in justice reinvestment

‘Monitoring and evaluation’ (M&E) is the process of collecting information to assess programs or initiatives on an ongoing basis, to stay on track (monitoring) and measuring outcomes or impacts once they have been achieved (evaluation). There are many possible frameworks and methodologies for doing this, and in many cases, in order to incorporate learning and feedback loops, the practice is expanded to monitoring, evaluation and learning (MEL) or understanding, monitoring, evaluation and learning (UMEL). These frameworks can range from being relatively straightforward to using rigorous and robust methodologies for impact measurement.⁴³

Evaluation (in whatever framework it appears) helps organisations and policy makers understand what works, why, where, when and how. Evaluation underpins evidence-based decision-making, helps to identify unintended consequences, and is an important step in estimating cost-benefit ratios

or return on investment. Thus, evaluation plays a significant role in justice reinvestment, because, presumably, any form of reinvestment is predicated on some demonstration of impact. As such, there are some important considerations related to equity – the burdens this places on community relative to other stakeholders – and practicality, in terms of what evidence the reinvestment mechanism will require and how feasible this is to implement.

Recently, Australian Governments have committed to improving evaluation strategies that impact Aboriginal peoples. The Productivity Commission (2020) published an Indigenous Evaluation Strategy in 2020, followed by NSW Treasury’s First Nations Investment Framework in 2024. Justice reinvestment projects can build on this work, and on examples from other Aboriginal Nations,⁴⁴ to ensure community-led evaluation and monitoring practices.

⁴³ For example, some frameworks simply track inputs, activities, outputs, and easily observable outcomes based on data collected by the organisation implementing a program. In many cases, this is enough to understand whether the intended outcomes are being achieved. More rigorous methods for estimating impact might use advanced statistical analysis or experimental methodologies that are designed to reveal more nuanced and precise results.

⁴⁴ An example is the Ngarrindjeri Yannarumi Risk Assessment Framework, see Hemming, S., Rigney, D., Rigney, G., Sutherland, L., Wilson, H., Overdeest, N., Della-Sale, A. & Maxwell, S. (2020). *Translating Ngarrindjeri Yannarumi into water resource risk assessments: Goyder Institute for Water Research Technical Report Series No. 20/09*. Adelaide: Goyder Institute for Water Research.

// Components of a reinvestment mechanism/ How would we assess if the approach is working?//

EQUITY IN EVALUATION

Evaluation is sometimes thought of as a government funder requirement, but we may start by noting that many justice reinvestment leaders in communities see the value of evaluation and want to know what is or will be most effective in achieving community goals. Feedback from community representatives at the NSW Justice Reinvestment Community Forum demonstrated overwhelming support for bespoke, place-based evaluation and indicator frameworks. This is a key consideration for any reporting requirements and evaluation processes designed for justice reinvestment, to ensure such metrics and processes are aligned with community feedback.

It is also a key mechanism for self-determination in a justice reinvestment context (e.g., when undertaken in alignment with community priorities, it strengthens data sovereignty and governance principles).⁴⁵ The challenge – much like every element of a reinvestment mechanism – is in designing an evaluation strategy or approach that serves all stakeholders, rather than simply being a box communities/organisations tick for donors.

It should therefore be acknowledged that some government evaluation requirements hold Aboriginal communities to a standard that does not apply, in practice, to other programs. Above, it is recommended to draw on the NSW Treasury Evaluation Policy and Guidelines, which have useful elements and are intended to apply to all government programs. However, core elements of criminal justice policy (such as the use of police and prisons) are too often taken for granted, and not subjected to rigorous evaluation studies themselves. This creates a scenario where communities are primarily responsible for demonstrating the harms caused by these systems/policies, for redressing them, and for demonstrating that community solutions are effective – even before these community-led solutions are resourced to a level that is likely to demonstrate success.

The way in which a reinvestment mechanism approaches evaluation has to take this reality into account. There are technical solutions available, such as employing cost-benefit analysis, which

directly compares the monetary and non-monetary costs of existing criminal justice approaches with community-led solutions. In this way, evidence is presented on both sides. Conceptual and cultural solutions are also needed; the evaluation approach needs to serve the needs of communities (not just government) by producing knowledge that is related to community goals and useful in community processes. Existing evaluation tools may need to be adjusted to make sense for Aboriginal communities and to draw on Aboriginal knowledge. Some practical remedies are discussed below, but it is important to note that this paper is not likely to be an exhaustive discussion of evaluation; careful thought from various stakeholders needs to be incorporated throughout the planning process.

TYPES OF EVIDENCE, PRACTICAL BARRIERS, AND POSSIBLE REMEDIES

Regarding evidence, communities often experience that government prioritises different types of data and evidence than they do, with an emphasis on quantitative data and methodological rigour that is difficult for community organisations to achieve and downplays their expertise. Firstly, qualitative evidence (community stories, multiple forms of evidence gathering, etc.) is important for developing a nuanced understanding of both progress as communities define it and of experiences of harms from existing systems. Secondly, community backbone teams and justice reinvestment organisations face real barriers in accessing the types of quantitative data that would allow them to do rigorous quantitative impact evaluation.

For example, an impact evaluation of justice reinvestment that is currently underway in NSW plans to use highly detailed data about individual community members (it will be anonymised), and a quasi-experimental methodology to develop a statistical estimate of the differences in outcomes with and without justice reinvestment work. This type of study is high on the “hierarchy of evidence,” which is a framework used by researchers and (some) policy makers to understand what types of conclusions can be drawn from what type of research methods. This example project is planned to take three to five years, and is being implemented by an expensive private consulting

⁴⁵ See for instance Allison, F. (2023), Section 8.

// Components of a reinvestment mechanism/ How would we assess if the approach is working? //

firm (in partnership with justice reinvestment organisations). It is currently being funded by private philanthropy, because the cost of the consultants would be prohibitive for community organisations.

Access to this type of data requires submitting lengthy applications to government data holders and ethics committees, which sometimes take as long as 18 months for review and approval – or half of some justice reinvestment grant cycles. The costs for data access can be in the thousands of dollars, and privacy requirements dictate that the data only be analysed in virtual labs that use specialised analytical software. Individuals who are approved to access these labs must often demonstrate that they have tertiary qualifications in research and/or extensive work experience in quantitative analysis, and they must pass certain background checks. These requirements are important safeguards for conforming to privacy legislation and adhering to ethical research processes – i.e., protecting the people about whom the data is collected. Nonetheless, they make the process inaccessible to community organisations. Aside from the time and budget constraints of small, short grants, the technical expertise often does not exist in community backbone teams to take on this level of advanced evaluation work.

Several remedies are possible for the challenges that come with evaluation. Firstly, rather than debating the merits of qualitative versus quantitative evidence in the abstract, it is more productive to define the necessary evidence based on localised evaluation needs. Above, it is proposed that the reinvestment mechanism focus on outcomes or benefits (however termed) at the highest level; such a framework would allow for a variety of localised approaches to achieving those benefits. In that scenario, it makes most sense to develop an evaluation methodology and specify the needed types of data and evidence for each local program, activity or initiative. Being overly prescriptive about using one type of evidence or methodology at a high level risks imposing

an inappropriate evaluation design on every community program. Better yet, a framework that allows for bespoke evaluation approaches and incorporates a variety of types of evidence meets more of the needs of diverse stakeholders and produces more robust knowledge about what works, where, why, when and how.

Second, we have seen that previous successful examples of justice reinvestment often leveraged the support of some kind of central organisation with regard to data, research and evaluation. Based on these international success factors and JRNSW's experience in developing data-driven work, a centralised body for data is something communities may want to consider when designing a justice reinvestment mechanism. Currently, in NSW, philanthropy has filled this role to an ad hoc degree, while JRNSW's Supporting Body team is working to establish a justice reinvestment Data Hub that would offer this function. However, government grant programs have repeatedly declined to fund the Supporting Body team within JRNSW, preferring instead to direct funds only to community-based teams. There are good reasons why funds should predominantly go directly to communities; however, the capacity and capability gap regarding data and evaluation needs to be realistically addressed.

Third, government will need to make changes in terms of the data it collects and shares. This was made very clear in national consultations for the federally funded justice reinvestment program, with recommendations made that the National Justice Reinvestment Unit have a key role in building data capability both within government and communities, and progressing data reform.⁴⁶ Closing the Gap priority reform area four also refers to "Shared Access to Data and Information at a Regional Level".⁴⁷ This priority reform area provides an important process for change that is already improving access to the types of data needed for justice reinvestment work in NSW; however, it is still in its early stages. To the extent that any reinvestment mechanism relies on rigorous

⁴⁶ Allison, F. (2023).

⁴⁷ Department of Prime Minister and Cabinet (2023). *Priority Reforms | Closing the Gap*, viewed 7 November 2024. Available at: <https://www.closingthegap.gov.au/national-agreement/priority-reforms>.

// Components of a reinvestment mechanism/ How would we assess if the approach is working?//

evaluation requirements, government – as the holders of most of the existing, relevant data and the stakeholder with the greatest capacity to collect and maintain it – will need to make sure that communities can access the data that is needed, by ensuring it is:

- **Collected:** communities often request data for justice reinvestment purposes only to find out that government does not collect the needed information or metrics
- **Fit-for-purpose:** the data that does exist is usually not collected for community purposes, meaning it can serve as proxy indicators at best
- **Shareable:** although ethics and privacy protections are important, there is much that government can do to share more data, with some changes already underway
- **Accessible:** where access requirements cannot be changed, government must ensure that communities are supported to rise to the needed level of capacity and capability needed to meet requirements

Lastly, the agreed-upon evaluation requirements might include provisions to make use of generalisable evidence wherever possible. The approach whereby evaluation is bespoke to every program and initiative could create a requirement for tens or even hundreds of impact evaluation projects. Generalisable evidence refers to findings from data analysis that are applicable beyond the specific context or group from which they were gathered. When evidence is generalisable, it means that the results of a study or evaluation can be reliably used to predict outcomes in other settings. Generalisable evidence of justice reinvestment impacts can help new justice reinvestment communities make informed decisions about implementation and can be used to estimate impact for reinvestment across the state.

HOW DOES THE MECHANISM ACCOMMODATE WHEN THINGS GO WRONG?

When designing a reinvestment mechanism, it is crucial to consider what might not go according to plan and how the mechanism will accommodate that. These accommodations might include developing contingencies for any challenges or disagreements that might arise, and/or designing the mechanism to target the high-level principles and outcomes of justice reinvestment while accommodating flexibility in individual initiatives or as circumstances evolve. Such plans need to be developed in a way that shields justice reinvestment initiatives from potential risks while also ensuring benchmarks are still being met (or there is a plan to get back on track). It is important to keep organisations engaged and on track, and make sure the pursuit of justice reinvestment is not abandoned due to these potential challenges.

POLITICAL CHANGES

Political changes pose a significant risk to the continuity of justice reinvestment initiatives that are reliant on government funding. Historically, promises of funding made to justice reinvestment organisations have been altered or reversed by changes in government. Grants and other forms of short-term funding, while useful to governments, are wholly unprotected from policy changes. Funding mechanisms established independently of budget cycles and political agendas will best set up organisations for success and longevity, and need to account for what could happen in the event of political change.

COMMUNITY DISAGREEMENTS

Community disagreements are another challenge to consider, as different groups in justice reinvestment communities may feel they are entitled to participate in the decision-making process and different priorities can arise. The implementation/planning process needs to determine who gets to participate in these discussions and how, as well as a process for managing disagreements. These processes might be culturally specific, and the mechanism should accommodate that in order to leverage community strengths for constructive outcomes (rather than, for example, being overly prescriptive of Western governance and arbitration processes). It is important to receive input from all relevant

parties to the justice reinvestment organisation and activities, while establishing a process to bring the most actionable and useful input to the fore.

MONITORING AND EVALUATION

Monitoring and evaluation are crucial elements of any justice reinvestment initiative as they ensure progress is being made towards the intended outcome. While imperative, there is a risk reporting requirements and data work can become overly complex or cumbersome, and may discourage effective monitoring. This was a challenge in several justice reinvestment trials undertaken in the United Kingdom (UK) using a government funded social impact investment mechanism, which required specific reporting metrics but also enabled participants to drop out of the process at specific intervals. Despite the financial incentive, several organisations withdrew from the program due to these reporting requirements as they were not appropriately resourced to provide the required information to the government.⁴⁸ Therefore, it is crucial that all data and reporting requirements related to justice reinvestment initiatives are within the capacity of the organisation to track and evaluate, so they can gauge success or make necessary amendments.

Relatedly, there should also be sufficient room to tailor evaluation approaches to specific initiatives.

⁴⁸ Wong, K., Fox, C. & Albertson, K. (2014). *Justice Reinvestment in an "Age of Austerity": Developments in the United Kingdom, Victims & Offenders, 9(1)*, pp.76-99, <https://doi.org/10.1080/15564886.2014.861688>.

// Components of a reinvestment mechanism/ How does the mechanism accommodate when things go wrong? //

Complex, prescriptive evaluation requirements that don't match local initiatives are likely to produce results of "no impact." While these evaluations may be rigorous, if they are not fit-for-purpose, they can make initiatives look unsuccessful when in fact, other types of data might have produced different results.

PACE OF PROGRESS

Progress can be slow given the significant goals and long-term focus of justice reinvestment initiatives, and stakeholders need to be prepared for longer timelines in the design, implementation and monitoring stages. It is important to set up monitoring and evaluation metrics in a way that can determine activities are on track to meet goals, even if the timeline is longer than expected. If the timeline is too slow, organisations may consider what adjustments can be made to improve efficiencies. It is also important to recognise that it takes substantial time to achieve economies of scale and related economic efficiencies, and this should be clearly communicated in all projected returns and timelines shared. Rather than be discouraged by slower progress, communities should be empowered to identify any potential efficiencies and make changes to improve targets.

FACTORS OUTSIDE COMMUNITY CONTROL

Communities are going to face factors that are outside of their control, but nonetheless impact their progress. The mechanism design should consider how to accommodate this. Possible issues range from the very likely to the highly unlikely.⁴⁹

The most likely constraining factor is government criminal justice policy. There is a real probability that justice reinvestment will not succeed unless it is paired with justice reform. For example, during the implementation of justice reinvestment in several NSW communities, the NSW government has imposed stricter bail laws for young people that are expected to result in more minors being held on remand when suspected of certain crimes. Communities already face uphill battles in reducing contact with the criminal justice system. If political headwinds result in an even tougher-on-crime environment, justice reinvestment may "fail" to show results due to no fault of its own. This is a strong argument for incorporating elements of an

"agreement-making" approach to reinvestment, so that community efforts are paired with government effort to reduce interactions with the criminal justice system and prioritise prevention approaches.

Relatedly, communities and government might find that returns on justice reinvestment (i.e., savings) are smaller than expected for reasons outside their control. For example, this could be due to inflation in the criminal justice sector (i.e., the rising cost of operating police forces, prisons, etc.) being higher than expected. Any kind of financial mechanism that relies on a precise accounting of savings to trigger reinvestment should include some kind of safety clause to protect stakeholders that are meeting their commitments, but are not able to realise expected returns.

Unintended consequences of justice reinvestment are a moderately likely outcome, and by definition can't be anticipated in advance. For example, in a success scenario, communities might face "brain drain", where success in education and other areas leads talented young people to leave rural and regional areas for better opportunities. Or, where local economies thrive, national brands (grocery stores, chemists, petrol stations, etc.) might reap a sizable share of the economic benefit – another way in which wealth might inadvertently leave successful communities. These broader dynamics, which are already affecting much of the state, can undermine the place-based vision of justice reinvestment, but they can potentially be counteracted by combining multiple reinvestments, such as incorporating a credit fund for local, Aboriginal-owned business alongside other funds.

Events like a pandemic or severe weather events (such as bushfires and floods) may occur, and contingencies can be established by organisations. Where these crises are protracted, like the COVID-19 pandemic, which lasted for years, monitoring and evaluation data is highly likely to show unique trends. Much of the relevant data from 2020, 2021 and even 2022 show "Covid effects" that sharply differ from the trends before and after. Implementation plans and evaluation frameworks may need to be adjusted in the event of extenuating circumstances.

⁴⁹ Although we may note that climate change is likely to increase the likelihood of even the rarest events.

A solid yellow square is positioned in the top left corner of the page.

Conclusion

Over the past decade justice reinvestment has established itself as an increasingly significant policy approach. Justice reinvestment now enjoys support from both the Federal and NSW Governments, and is being applied by a growing number of communities. Like its international counterparts, justice reinvestment emphasises the potential to improve criminal justice outcomes alongside community outcomes and public finances. Australia's unique model of justice reinvestment, led by Aboriginal communities and emphasising self-determination, has demonstrated the success of community-led, data-driven, place-based models, and pointed to the importance of systems thinking and broader governance reform.

The expansion of justice reinvestment initiatives, however, is constrained by the lack of an ongoing, sustainable funding model. Central to the promise of justice reinvestment is not only to change how governments do justice and policing, but also how to fund and support the communities leading innovative justice approaches. Stakeholders are increasingly *investing* in justice reinvestment, but communities are yet to realise the benefits of *reinvestment*. A reinvestment mechanism can make justice reinvestment scalable and sustainable.

The approach in this paper is to ground discussion of a reinvestment mechanism in relationships and shared commitments to improve outcomes and build trust. The failures of the current policy model provide an opportunity. Governments can save millions, maybe even billions, while improving lives and strengthening communities. But realising that vision is tricky because changing funding requires changes in decision-making and power relationships.

Any successful mechanism will need to provide governments, Aboriginal communities and the broader public with confidence that justice reinvestment makes a real difference. It will need to use data to show how justice reinvestment reduces overrepresentation in criminal justice systems, is financially sustainable and advances self-determination. Existing ways of doing business also work against the logic of justice reinvestment. Government funding is understandably designed to prioritise public accountability, not community control. Justice reinvestment's systems thinking requires connecting budgets across different portfolios and over time, in ways current budget models are not designed to do.

Establishing a new finance model will mean agreeing on objectives, on monitoring and evaluation processes, and how to connect outcomes to sustainable funding. There are different ways of thinking about how a reinvestment mechanism might answer those questions, and different types of mechanisms communities might use. Any reinvestment mechanism likely needs financial reinvestment, changes to budgeting and changes to governance. Additionally there are different ways to operationalise change – through new funding agreements, social impact financing, social investment budgeting or forms of agreement making. A successful reinvestment mechanism will likely use a combination of these approaches, and adapt them to the Australian context.

// Conclusion //

To start building a reinvestment mechanism, communities need to answer some practical questions. Who are the stakeholders? This helps understand the 'authorising environment' – exactly who is signing off and how? What are their objectives? What kind of information is needed to assess if objectives are being met, and how (and who) will decide? This will help build a shared evaluation framework and to agree when funding can be released.

Once funds are made available, where will the funds go? What can they be used for? How can

new communities or organisations access them? Across all of these questions stakeholders need to think about how to make their approach practical – so communities can fully participate, costs and administration are not burdensome and data and decisions are timely. It should also be asked, what happens when things go wrong?

Delivering a viable and durable reinvestment mechanism will take time, trust and data. The first step is to agree on an approach and the questions that will need to be answered together.

Bibliography

Aboriginal and Torres Strait Islander Social Justice Commissioner (2009). Social Justice Report. Sydney: Australian Human Rights Commission. Available at: https://humanrights.gov.au/sites/default/files/content/social_justice/sj_report/sjreport09/pdf/sjr_2009_web.pdf.

Allison, F. (2022). Redefining Reinvestment. An opportunity for Aboriginal communities and government to co-design justice reinvestment in NSW. Redfern: Just Reinvest NSW.

Allison, F. (2023). Design of the National Justice Reinvestment Unit. Sydney: Jumbunna, UTS. Unpublished.
 Australian Government (2024). Australian Government principles for social impact investing. Available at: <https://treasury.gov.au/programs-initiatives-consumers-community/social-impact-investing/australian-government-principles-for-social-impact-investing> (accessed 22 January 2025).

Behrendt, L., Cunneen, C., Liebsman, T. & Watson, N. (2019). Aboriginal and Torres Strait Islander Legal Relations. Melbourne: OUP.

BOCSAR (2024a). NSW Closing the Gap Quarterly Report. Sydney: BOCSAR. Available at: <https://bocsar.nsw.gov.au/research-evaluations/2024/cjs-aboriginal-over-representation-quarterly-jun-2024.html>

BOCSAR (2024b). Reoffending | BOCSAR. Available at: <https://bocsar.nsw.gov.au/topic-areas/re-offending.html> (accessed 22 November 2024).

Bourke Tribal Council (2015). Growing our Kids up Safe, Smart and Strong. Bourke: Bourke Tribal Council.

Bryant, G. & Spies-Butcher, B. (2022). From marketisation to self-determination: Contesting state and market through 'justice reinvestment'. *Environment and Planning A: Economy and Space*, 56(1), pp.216-234 doi: <https://doi.org/10.1177/0308518x221125797>.

Callender, G. & Johnston, J. (1995). Re-engineering Australian Education Systems: The NSW Experience - Innovation or Enervation? *International review of administrative sciences*, 61(3), pp.385-405. doi: <https://doi.org/10.1177/002085239506100306>.

Community Connections for Youth (2014). South Bronx Community Connections: An innovative approach to diverting youth from juvenile justice involvement using a positive youth development framework built on the strengths of grassroots faith and neighborhood organizations. Bronx: Community Connections for Youth. Bronx: Community Connections for Youth. Available at: https://www.nycourts.gov/ip/justiceforchildren/PDF/RestorativePracticeConf/J2-Austria-CCFY-SBCC-Companion_Guide.pdf

Corrective Services NSW (2024). CSNSW Fact Sheet 1: NSW Prison System. Sydney: NSW Government. Available at: https://correctiveservices.dcj.nsw.gov.au/content/dam/dcj/corrective-services-nsw/FACT_SHEET_1_PRISONS_May_2023.pdf.

Department of Prime Minister and Cabinet (2023). Priority Reforms | Closing the Gap, viewed 7 November 2024. Available at: <https://www.closingthegap.gov.au/national-agreement/priority-reforms>.

Disley, E., Giacomantonio, C., Kruihof, K. & Sim, M. (2015). The payment by results Social Impact Bond pilot at HMP Peterborough: Final process evaluation report. United Kingdom: Ministry of Justice.

//Bibliography//

Dobrovic, J., Boddy, J. & O'Leary, P. (2024). Social impact bonds and homelessness: A review of the literature, *Australian Social Work*, 77(1), pp.22-34.

Dollar, C. W. (2023). A new coat of paint: The bluewashing of justice reinvestment and realignment to community reinvestment, *Sociology Compass*, 17(3), <https://doi.org/10.1111/soc4.13072>

First Peoples' Assembly of Victoria (2024). Self Determination Fund. Available at: <https://www.selfdeterminationfund.org.au/> (accessed 22 January 2025).

Hemming, S., Rigney, D., Rigney, G., Sutherland, L., Wilson, H., Overdevest, N., Della-Sale, A. & Maxwell, S. (2020). Translating Ngarrindjeri Yannarumi into water resource risk assessments: Goyder Institute for Water Research Technical Report Series No. 20/09. Adelaide: Goyder Institute for Water Research.

Justice Center (2009). Assessing the Impact of the 2007 Justice Reinvestment Initiative. Available at: https://csgjusticecenter.org/wp-content/uploads/2020/02/Texas_Bulletin.pdf (accessed 8 November 2024).

Justice Center (2022a). Justice Reinvestment in Kansas. Available at: <https://csgjusticecenter.org/projects/justice-reinvestment/past-states/kansas/> (accessed 22 November 2024).

Justice Center (2022b). Justice Reinvestment Initiative Fact Sheet. Available at: https://csgjusticecenter.org/wp-content/uploads/2022/08/JRI-Fact-Sheet_2022.pdf (accessed 8 November 2024).

Justice Center (2022c). The Justice Reinvestment Initiative in Kansas. Available at: <https://csgjusticecenter.org/wp-content/uploads/2022/12/JRI-in-KS-Improving-Supervision-Expanding-Diversion.pdf> (accessed 8 November 2024).

Laruffa, F. (2021). Promoting social goals through economisation? Social investment and the counterintuitive case of homelessness. *Policy & Politics*, 49(3), pp.413-431.

Ministry of Justice (2023). Youth Justice Indicators Summary Report. April 2023. Wellington: Ministry of Justice. Available at: <https://www.justice.govt.nz/assets/Documents/Publications/Youth-Justice-Indicators-Summary-Report-April-2023.pdf>.

Morel, N., Palier, B. & Joakim Palme (2012). Towards a social investment welfare state?: ideas, policies and challenges. Bristol: Policy Press.

National Agreement on Closing the Gap (2020). Canberra: Coalition of Peaks. Available at: <https://www.coalitionofpeaks.org.au/national-agreement-on-closing-the-gap>.

NSW Treasury (2022). 2021-22 NSW Intergenerational Report. Sydney: NSW Government. Available at: <https://www.treasury.nsw.gov.au/nsw-economy/2021-22-nsw-intergenerational-report>

NSW Treasury (2023). TPG22-22 Policy and Guidelines: Evaluation. Sydney: NSW Government. Available at: <https://www.treasury.nsw.gov.au/documents/tpg22-22-policy-and-guidelines-evaluation>.

NSW Treasury (2024a). TPG24-28 First Nations Investment Framework. Sydney: NSW Government. Available at: <https://www.treasury.nsw.gov.au/documents/tpg24-28-first-nations-investment-framework>.

//Bibliography//

NSW Treasury (2024b). 2023-24 NSW Indigenous Expenditure Report. Sydney: NSW Treasury. Available at: https://www.treasury.nsw.gov.au/sites/default/files/2024-05/2023-24-nsw-indigenous-expenditure-report-202405_v2.pdf.

Productivity Commission (2022). Report on Government Services. Part C: Section 8 - Corrective Services. Canberra: Australian Government. Available at: <https://www.pc.gov.au/ongoing/report-on-government-services/2022/justice>.

Productivity Commission (2023). Measuring What Matters Statement: Australia's First Wellbeing Framework. Canberra: Australian Government. Available at: <https://www.apsc.gov.au/initiatives-and-programs/workforce-information/research-analysis-and-publications/state-service/state-service-report-2023/aps-future/measuring-what-matters>.

Rigney, D., Rose, D., Vivian, A., Jorgensen, M., Hemming, S. & Berg, S. (2022). Gunditjmara and Ngarrindjeri: Case Studies of Indigenous Self-government. In: P. Cane L. Ford and M. McMillan, eds., Cambridge Legal History of Australia. Cambridge: Cambridge University Press.

Sakala, L., Harvell, S. & Thomson, C. (2018). Public Investment in Community-Driven Safety Initiatives: Landscape Study and Key Considerations. Washington, D.C.: Justice Policy Center. Available at: https://www.urban.org/sites/default/files/publication/99262/public_investment_in_community-driven_safety_initiatives_0.pdf.

Sawer, M. & Stewart, M. (2020). Gender Budgeting. In How Gender Can Transform the Social Sciences: Innovation and Impact. Springer International Publishing Switzerland, pp.117-126. https://doi.org/10.1007/978-3-030-43236-2_12.

Tucker, S.B. & Cadora, E. (2003). Justice Reinvestment. *Ideas for an Open Society*, 3(3), pp.2-5.

Wong, K., Fox, C. & Albertson, K. (2014). Justice Reinvestment in an "Age of Austerity": Developments in the United Kingdom, *Victims & Offenders*, 9(1), pp.76-99, <https://doi.org/10.1080/15564886.2014.861688>.