

Justice Policy Partnership

Response to Information Requests

*Productivity Commission Review of the
National Agreement on Closing the Gap Draft
Report*

JUSTICE POLICY PARTNERSHIP OVERVIEW

- The Justice Policy Partnership (JPP) welcomes the opportunity to provide further information to the Productivity Commission in response to its requests. As the first policy partnership established under Priority Reform One of the National Agreement on Closing the Gap (the National Agreement), the JPP has served as an opportunity for learning for subsequent policy partnerships and is now at a pivotal juncture as it moves towards the implementation of the JPP's Strategic Framework.
- Joint Council agreed on 16 April 2021 to accelerate the JPP's establishment – ahead of other policy partnerships – in recognition of the urgent need to address the serious and worsening rates of overrepresentation of Aboriginal and Torres Strait Islander adults and children in custodial settings. Unlike other policy partnerships that built in an establishment phase, the JPP has needed to build its partnership foundation at the same time as considering how to prioritise and progress substantive policy discussions and work.
- In addition, the JPP's establishment occurred in the peak period of COVID-19 restrictions, resulting in its initial meetings being held online. Post-COVID, the JPP has had the benefit of relationship building that more readily occurs with face-to-face meetings.
- The JPP's purpose is to lead a nationally joined-up approach to transforming justice systems through genuine partnerships between all levels of Government and Aboriginal and Torres Strait Islander organisations and communities, with a focus on:
 - delivering ambitious, holistic and long-lasting structural actions to reduce rates of adult and youth incarceration
 - embedding the Closing the Gap Priority Reforms across the law and justice systems, and
 - building on the strengths and resilience of Aboriginal and Torres Strait Islander communities to address the ongoing and unaddressed impact of racism, colonisation and dispossession.
- The Agreement to Implement the Justice Policy Partnership (Agreement to Implement) sets out the scope and purpose of the partnership as well as the roles and responsibilities of members.
- The JPP is co-chaired by the Chair of the National Aboriginal and Torres Strait Islander Legal Services (NATSILS) and the Deputy Secretary of the Justice and Communities Group in the Commonwealth Attorney-General's Department (AGD).

Membership includes representatives from the Australian and all state and territory governments, and Aboriginal and Torres Strait Islander members. This includes:

- ten Aboriginal and Torres Strait Islander members – five from Coalition of Peaks organisations and five independent Aboriginal and Torres Strait Islander members, selected by the Coalition of Peaks in an open and transparent expression of interest process; and
 - nine government members – a senior official from the Australian Government and each state and territory government.
- Two years on, the Productivity Commission’s data dashboard reports Target 10 is one of four targets not on track to be met on a national basis and is worsening – noting progress varies between different jurisdictions. While Target 11 is currently on-track to meet the *minimum* level required (a reduction in youth incarceration rates of *at least* 30%), continued effort is needed to ensure this downward trajectory is sustained, as well as prevent any signs of backsliding. To drive lasting transformational change across justice systems, all parties to the JPP must continue to reflect on what actions are needed to maintain progress.
 - This submission was developed in collaboration between JPP members.

RESPONSES TO INFORMATION REQUESTS

Are adequate support structures (such as resourcing and sufficient timeframes to provide views) in place to enable the participation of Aboriginal and Torres Strait Islander people and organisations? What would help to support participation?

While the JPP has taken positive steps to establish initial support structures for the active involvement of Aboriginal and Torres Strait Islander people and organisations, several challenges have been identified by some JPP members. These challenges impact the effectiveness of participation and suggest potential areas for improvement.

1: Resourcing

Overview

The JPP was the first policy partnership established and is currently the least resourced compared to the other partnerships. The JPP was provided \$7.6 million from 2021-22 to 2023-24 to fund its establishment. This funding includes:

- \$2.434 million to NATSILS, as the Peaks co-chair, to support their role as co-chair and secretariat.
- \$2.184 million to Aboriginal and Torres Strait Islander Legal Services (ATSILS), to support the JPP and enhance data capability.
- \$2.932 million for AGD and the National Indigenous Australian Agency (NIAA) to establish a Joint Secretariat with NATSILS to support the JPP, undertake policy work on justice outcomes and conduct a review of the JPP in 2023-24.

States and territories participate in the JPP through extant state and territory funding allocations.

Identified Issues

While the initial funding allocation has supported the establishment of the JPP, current resourcing is not adequate to support the JPP in its implementation phase, which is asking more of JPP members.

Limitations on specific funding to participate in the JPP are especially felt by the non-Government members of the JPP, including:

- **NATSILS:** While the initial funding allocation has enabled NATSILS to engage a small JPP team of three staff members to support the establishment of the JPP, as the partnership moves into the implementation phase NATSILS notes that further support is required to enable it to co-lead delivery of the Strategic Framework and Implementation Roadmap. Funding to participate in the JPP represents more than double the previous level of Commonwealth support and JPP positions comprise half of NATSILS staffing complement. NATSILS advises that without additional sustained support to build its capacities across policy, workforce development, sector engagement and project management, the JPP will not be able function as a genuine partnership in accordance with Priority Reform One.
- **ATSILS:** Each ATSILS was provided funding under the *National Legal Assistance Partnership 2020-2025* to increase data capability and capacity to support the JPP. However, feedback from ATSILS is that this funding was only sufficient to engage a relatively junior position which was insufficient to support both data capability building in addition to policy development required to engage with the JPP.
- **Independent Members:** Independent members are provided sitting and preparation fees to attend JPP meetings, and are able to seek reimbursement of travel costs from NATSILS. Between formal JPP meetings, however, there is also work to contribute to policy objectives including workplans and strategies, and initiative development. As the JPP has matured, this has included participating in working groups to support refinement of priority actions for inclusion in an Implementation Roadmap to support the delivery of the JPP Strategic Framework. Unlike Peaks and Government members, independent members do not represent an organisation with staff to support their participation in JPP activities, including providing dedicated support and advice (aside from administrative support provided by the Joint Secretariat and coordination from NATSILS).
- **Coalition of Peaks:** Peaks members receive sitting and preparation fees to participate in the JPP. A key strength of the JPP is that it brings together community-controlled Peaks from across key sectors like health, disability, child safety and family violence prevention. This in turn has the opportunity drive cross-sector collaboration, break down policy silos and establish holistic approaches to address the underlying causes driving overincarceration. However, Peak members have provided feedback that these community organisations are capacity-constrained and there is limited ability for them to fully engage in the design and delivery of JPP strategic initiatives.

Further consideration about resourcing needs for the implementation of the JPP's Strategic Framework will be required by the JPP as part of planning the Implementation Roadmap, noting that all parties to the JPP will need to consider what support is required to progress implementation of the JPP's priorities.

The JPP is conscious that similar resourcing constraints affect progress across the breadth of the National Agreement's targets and architecture.

Possible Opportunities

To enhance the participation of First Nations people in the JPP, members of the JPP have identified the following options for increased resourcing across the following areas:

- **A.** Exploring opportunities to enhance NATSILS capacity to co-lead development of the Strategic Framework, Implementation Roadmap and Priority Initiatives
- **B. Increasing support for Coalition of Peaks Members:** Considering what additional supports are required for Coalition of Peaks members to strengthen cross-sector collaboration, integration with other policy partnerships and holistic advisory support in key areas like health, disability, child-safety and family violence prevention.
- **C. Enhancing the capacity for ATSILS to participate in the JPP** - and Closing the Gap more broadly. ATSILS advise that with appropriate funding, they would have a greater opportunity to contribute their expertise and perspectives to the JPP.
- **D. Subject Matter Expertise:** Allocating resourcing for the JPP to engage subject matter experts would support design and deliver strategic initiatives (such as First Nations academics, lived experience advisers and consultants).
- **E. Joint Secretariat.** Future resourcing for the Joint AGD-NATSILS Secretariat and its policy functions is a matter for Government. The Joint Secretariat is an important mechanism that supports the administration of meetings such as event management, drafting agendas and papers, supporting member input and attendance etc. As the JPP moves into implementation of the Strategic Framework, further consideration will be given to the policy, stakeholder management and communications functions of the joint secretariat.

2: Governance and Implementation

Overview

- **Governance arrangements for the JPP:**
 - **JPP Meetings:** JPP meetings occur quarterly and post-COVID have been convened in person in locations around Australia.
 - **Steering Groups/Working Groups/Advisory Groups:** Smaller groups of JPP members or officer-level representatives/proxies are used to explore and

progress specific topics, including the four priority areas of the JPP's Implementation Roadmap.

- **Joint Secretariat:** The Joint Secretariat supports a variety of engagement, such as regular co-chair meetings, working group meetings and settling items out of session, as well as organising and supporting the running of formal JPP meetings. In addition, the Secretariat drafts policy documents and papers for meetings and undertakes required reporting under the National Agreement. This work is done jointly by AGD and NATSILS.
- **Interaction with Joint Council/PWG:** JPP reports annually to Joint Council, tabled via the Partnership Working Group. The JPP is also a standing agenda item at Joint Council meetings.
- **State/Territory governance arrangements:** States and territories also have specific jurisdictional governance arrangements that guide their approach to Aboriginal and Torres Strait Islander justice issues. For example:
 - In Victoria, the Aboriginal Justice Forum (AJF) is the state-wide partnership forum that oversees the development, implementation, monitoring and direction of the Victorian Aboriginal Justice Agreement (AJA) – a long-term and formal partnership between the Victorian Government and Aboriginal community to improve Aboriginal Justice outcomes. The AJF provides strategic oversight of AJA, drives implementation, collaborative action and galvanises a high-level commitment to achieving the reduction of Aboriginal over-representation in the Justice system.
 - In Tasmania, the work of the JPP is fed into the Closing the Gap Combined Policy Partnership with Tasmania's Peak and other Tasmanian government agencies to progress Tasmania's Peak's priority reforms under Closing the Gap. The Tasmanian Government also seeks the views of the Peak on JPP-related matters to inform Tasmania's contributions. Tasmania also engages with relevant Ministers and Cabinet to provide regular updates and seek authorisation for decisions.
 - In South Australia, a Justice Policy Partnership Steering Group exists, comprising representatives from South Australia Police, the Department for Correctional Services, Department of Human Services and the Attorney-General's Department. The Steering Group's membership is being expanded to include members from the South Australian Aboriginal Community Controlled Organisation Network (SAACCON). South Australia is currently working with its ATSILS and SAACCON to develop the scope and purpose of this group to include other National Agreement priorities for targets 10 and 11.

- In Western Australia, new governance structures have built ownership of the National Agreement across all of government in recognition that responsibility for implementation is shared across the public sector. Strengthened governance arrangements include: expanded membership of the Aboriginal Affairs Coordinating Committee (a statutory body under the *Aboriginal Affairs Planning Authority Act 1972*), including most public sector agencies; a Closing the Gap Deputies Group, with equally broad agency representation, to provide oversight and coordination of whole-of-government implementation activities; and nine Partnership Planning Groups, bringing together relevant agencies with strategic Aboriginal partners to plan and report on actions to drive progress against each of the 17 socioeconomic outcome areas and associated targets.
- **Purpose and Objectives:** Since its inception, a key challenge facing the JPP is the sheer scale and scope of action required and the need to build partnership arrangements that support coordinated effort across individual jurisdictions which each hold the levers for their justice systems.
- **Strategic Framework:** JPP members spent considerable time developing the JPP Strategic Framework to determine where to focus collective effort and to develop the underpinning theory of change. In June 2023, the JPP Strategic Framework was endorsed in-principle by Joint Council. The Strategic Framework sets out an ambitious national reform agenda to transform the way justice systems work for – and not against – Aboriginal and Torres Strait Islander communities – built around four key pillars:
 - **Transforming justice systems:** by eliminating all forms of racism against Aboriginal and Torres Strait Islander people, embedding self-determination and ensuring policies and programs are culturally safe and designed in collaboration with local communities.
 - **Partnerships and accountability:** establishing formal partnerships and sharing decision-making with Aboriginal and Torres Strait Islander people and ensuring strong accountability over implementation of Closing the Gap justice targets and priority reforms.
 - **Community-led change:** building a strong, effective and properly resourced Aboriginal and Torres Strait Islander community-controlled law and justice sector, by giving power and resources back to communities to deliver placed-based solutions to local issues.
 - **Holistic and inclusive approaches:** delivering holistic, integrated and inclusive systems which meet the diverse needs, priorities and wellbeing of all

Aboriginal and Torres Strait Islander people and communities, including by establishing cross-sector partnerships in key areas like health and disability.

- **Implementation Roadmap:** With a strategic framework in place, the JPP is now firmly focused on developing a long-term Implementation Roadmap, comprising a series of reform actions in priority areas aimed to achieve lasting impact. Initially this includes development of strategic initiatives across priorities identified by JPP members as requiring urgent action over the next 12 months to drive structural change across justice systems:
 - **Anti-Racism Strategies:** Implementing strategies and action plans to address racism across justice systems. This will include working with departments and justice agencies to put in place robust frameworks to address racism and cultural bias in all its forms.
 - **Justice Sector Strengthening Plan:** A national justice sector strengthening plan to strengthen and grow the Aboriginal and Torres Strait Islander law and justice sector. This will involve development of a long-term plan to drive sustained capacity building, address workforce issues, enhance governance and policy development capabilities and ensure dedicated, reliable and consistent funding models.
 - **Justice Partnerships:** Establishing formal and enduring justice partnerships between state and territory Governments and community-controlled organisations to progress JPP and broader CTG priorities at the individual jurisdictional level.
 - **Cross-sector Partnerships:** Strengthening existing or establishing new strategic cross-sector partnerships at the national and state/territory levels, including collaboration with other Closing the Gap Policy Partnerships, across key sectors including disability (including mental health), cultural, social and emotional wellbeing, family violence prevention, education, housing, health, and care and protection.
 - **Justice Impact Assessment:** In June 2023 Joint Council agreed that the JPP would develop a template for reporting, to provide a mechanism to assess the impact of new law reform measures proposed by any Australian government on Closing the Gap justice targets, to ensure policies are evidence based, data-driven and consider the impact on Aboriginal and Torres Strait communities.

Identified Issues

As the first national policy partnership, JPP governance arrangements were established without the benefit of previous examples to learn from. Further, other changes have occurred under Closing the Gap (such as establishment of state-based partnerships) that may require shifts in governance to accommodate.

As the JPP shifts into its implementation phase, it has become increasingly clear that a reassessment is required to ensure it is appropriately postured to deliver the scale and scope of the ambition in the Strategic Framework. Key issues with governance arrangements identified by members include:

- **Better integrating State and Territory Closing the Gap partnerships and the JPP.**
An opportunity exists to improve connectivity and integration between the JPP at the national level and Closing the Gap justice partnerships and policy work occurring at the state and territory level.
 - While every State and Territory justice department is represented on the JPP, there are no members from State and Territory community-controlled peaks or organisations.

A number of Coalition of Peaks JPP members have identified that this as an issue, as progress to address rates of overincarceration requires genuine partnership and shared decision making with Aboriginal and Torres Strait Islander peaks, organisations and communities at the state/territory, regional and local levels. Levers to address over-representation overwhelmingly exist at the state and territory level and require local and jurisdictional-specific action, noting different contexts, systems, structures and approaches exist in different jurisdictions.

- ATSILS are the jurisdictional experts on legal and justice issues impacting Aboriginal and Torres Strait Islander communities. It is therefore vital that ATSILS meaningfully engage in the JPP to ensure accountability over progress against Closing the Gap outcomes at the jurisdictional level.
- Closing the Gap justice partnerships have been established in a number of jurisdictions, co-led by ATSILS and justice departments – for example, the NSW Aboriginal Justice Partnership Committee co-chaired by the Aboriginal Legal Service (NSW/ACT) and the NSW Department of Communities and Justice (DCJ).
- In recognition of the need to better connect these jurisdictional partnerships with the JPP, the JPP Strategic Framework includes a priority to ensure all levels of government strengthen formal and enduring partnerships with Aboriginal and Torres Strait Islander organisations and communities on justice, aligned with the JPP Strategic Plan and National Agreement.

- Further consideration of the requirements of the Agreement to Implement (and any potential gaps in representation and engagement) will be undertaken at JPP Meeting 10.
- **Better coordinating JPP and government processes to maximise opportunities:** JPP members have raised opportunities to improve processes to enable greater State and Territory engagement in the JPP. Opportunities that have been identified by different JPP members include:
 - Ensuring Closing the Gap roles and responsibilities are embedded as core accountabilities for every public servant, from Secretaries down to front-line staff.
 - Working together to better align JPP timeframes and jurisdictional Cabinet and other government timeframes to improve consultation processes and support achievement of the JPP Strategic Framework (including for policy approvals, funding proposals and legislative reforms).
 - Improving interconnection between different jurisdictions to enable them to partner with each other on common justice system issues impacting Aboriginal and Torres Strait Islander people, to build more integrated, holistic and therapeutic justice responses, and making better use of existing fora to engage relevant agencies across jurisdictions (such as the Corrective Services Administrators Council, and Police Commissioners) and progress reforms in a coordinated manner.
- Coalition of Peaks members have observed, in some jurisdictions, an ongoing lack of meaningful engagement from both Police and Corrections as a key area of concern, which inhibits progress on reforms in critical parts of justice systems.
- **Improving oversight by Ministerial and decision-making authorities:** the JPP's ability to drive action and policy making requires an ability to influence decision-makers.
 - Government JPP representatives are Deputy Secretary level senior officials, who are able to engage with a level of authority and influence colleagues across government. However, new policy and budgetary decision-making authority rests with individual governments.
 - Matters relevant to the JPP generally have multi-minister cross-over, such as Attorneys-General, Ministers for Justice, Ministers for Aboriginal Affairs, Ministers for Police, Ministers for Corrections, and Ministers responsible for social policy portfolios including health and disability, which requires a joined-up approach.

- The JPP has identified the need to ensure national-level ministerial fora regularly consider JPP priorities.
 - It is noted that Closing the Gap is a standing agenda item on the Standing Council of Attorneys-General and Police Ministers' Council meetings.
- **Strengthening supporting structures to deliver on reform actions.** Since its establishment, the JPP has primarily consisted of quarterly meetings of JPP members, generally taking place face-to-face in different locations over two days.
 - This was appropriate in the JPP's establishment, to build working relationships between members, determine priorities and develop the Strategic Framework.
 - However, with the JPP shifting from design into delivery, members have identified that revised and expanded structures are required to deliver the Implementation Roadmap and achieve the implementation program set out therein.
 - There have also been challenges in relation to quorum at meetings and options to utilise proxies, particularly early in the Partnership. This has improved over time through the secretariat encouraging and facilitating attendance at meetings as much as possible, and using out of session and working groups to progress decision-making. However, the JPP will also be reviewing its Agreement to Implement at its next meeting in December 2023, which sets out the mechanics of how the JPP operates, to ensure it is fit for purpose and that other process efficiencies can be built in.

Possible Opportunities

- **A. Integrating with State and Territory Partnerships:** Expanding the JPP to function as the overarching national framework for Closing the Gap in justice, which integrates jurisdictional Justice Partnerships, including clarity around responsibility for delivering upon reform.
- **B. Strategic Decision-Making:** There is an opportunity to formally re-position the JPP as a strategic decision-making committee, which sets direction, prioritises efforts and monitors progress against the Strategic Framework. This would also include ensuring a shared understanding among representatives of what decisions JPP government representatives are able to make and tailor its work to that level of authority.

- **C. Implementation Structures:** The JPP will consider establishing governance structures to implement and coordinate agreed initiatives. Recently, this has included Working Groups made up of JPP members to progress focused development of specific initiatives to inform the JPP’s Implementation Roadmap. In future, this could include sub-committees focusing on thematic issues and officer level working groups (made of up JPP member organisations) to deliver strategic actions.

- **D. Ministerial Engagement and Oversight:** The JPP will continue to utilise and leverage cross-jurisdictional ministerial-level fora, including the Standing Council of Attorneys General, as well as the Police Ministers Council and the Corrective Services Ministers Council. There has been positive progress in engaging these ministerial councils – for example, the co-chairs of the JPP presented to the Standing Council of Attorneys-General at its September 2023 meeting and have been invited to present to the next Police Ministers Council. In addition, identifying other opportunities to increase ministerial engagement in the JPP, including through stronger linkages with national ministerial dialogues, increased visibility and oversight of JPP progress, and mechanisms to feed JPP initiatives into Cabinet and budget processes.

- **E. Mobilising Whole-of-Government Action:** If we are to make real progress to achieve the commitments in the National Agreement, all jurisdictions need to pull relevant policy levers, including:
 - Ensuring that Closing the Gap and the Priority Reforms are actively embedded in government organisations.
 - Progressing policy proposals, funding proposals and legislative reform opportunities to support achievement of the JPP Strategic Framework.
 - Utilising the JPP and other collaborative opportunities across governments to progress integrated, holistic and therapeutic justice responses.

- **F. Sharing Information and Approaches:** Establishing improved practices and protocols for jurisdictions to share information, data, policies, evaluations and frameworks on relevant approaches. This would provide greater opportunities to leverage the collective experience of the JPP to identify opportunities to share practice and build efficiencies. For example, the JPP currently provides opportunities for jurisdictions to present on areas of success and this could be expanded.

3: Cross-Sector Collaboration

Overview

- A core objective of the JPP is to foster cross-sector partnerships to break down traditional silos and address long-standing policy challenges holistically. One challenge for the JPP in achieving the Closing the Gap justice targets is that many of the levers to reduce over-representation sit outside the justice system, in other portfolios such as education, housing, social services, and health.
- Achievement of the targets to reduce rates of incarceration for Aboriginal and Torres Strait Islander people will only be achieved by addressing the root causes of offending. In this regard, the Coalition of Peaks members play an integral part of the JPP and provide invaluable expertise across a wide range of policy areas – including NACCHO in the health sector, FPDN in the disability sector, SNAICC in the child and family sector and FVPLS in the family violence prevention sector.
- The JPP has also provided opportunities to share information, approaches and reform options between different sectors, departments and jurisdictions. For example, the JPP has established ongoing engagement with the Commonwealth Department of Health and Aged Care, focused on improving healthcare access in custodial settings for Aboriginal and Torres Strait Islander people. In August 2023 at JPP Meeting 9, Health Department policy experts briefed JPP members on key justice health policy issues, constraints, and options to progress reforms.

Identified Issues

The following issues have been raised by JPP members as areas which require addressing to increase collaborative approaches and holistic ways of working:

- **Coalition of Peaks Capacities:** Coalition of Peaks members have identified limitations on their ability to participate in the JPP as deeply as they would like, due to the fact that their resourcing is limited to sitting fee arrangements – with additional policy advice to inform the development of JPP strategic initiatives having to be resourced from already stretched core funding. This constrains opportunities for community-controlled experts to engage in the JPP as deeply as is required to drive reforms in critical areas such as justice health.
- **Engagement with Other Policy Partnerships:** There has been some informal and ad hoc engagement between the JPP and other CTG policy partnerships, such as shared membership on behalf of Coalition of Peaks members. At the Commonwealth level there is regular bilateral engagement between Co-Chairs of the JPP and Early Childhood Care and Development Policy Partnership. However, there is currently a

lack of formal integration between partnerships. As policy partnerships mature there is an identified need to increase the focus on cross-cutting issues at the national level, as well as the pooling of resources to respond collectively to shared challenges – for example, supporting the needs of people with disabilities interacting with justice systems.

- **Broadening Stakeholder Engagement:** Since its establishment the JPP’s primary focus has been directed towards finalising a long-term strategy. As a result, there has been limited engagement and consultation with key stakeholders outside of the JPP membership – including the legal sector, academia, think-tanks, and a broad range of First Nations community representatives. As the JPP moves into its implementation phase, this engagement will become more critical, and is a factor that will need to be considered in the JPP’s implementation planning.

Possible Opportunities

To deepen cross-sector collaboration, JPP members have identified the following options:

- **A. Establishing Cross-Sector Partnerships:** In accordance with Goal 4 of the JPP Strategic Framework, the JPP is planning to establish and strengthen new cross-sector partnerships between the justice sector and other key sectors to ensure holistic and integrated responses which address underlying socio-economic issues, including: Disability (including Mental Health); Cultural, Social and Emotional Wellbeing) Family Violence; Education; Housing; Health; Care and Protection.
 - One area currently being explored by the JPP is a partnership with health departments, recognising the need for a comprehensive approach to improving healthcare access in custodial settings. Specific attention could be given to cross-agency initiatives that address health-related challenges, ensuring that policies and strategies are not developed in isolation but in consultation with relevant stakeholders across various sectors.
 - The JPP will also seek to establish integration mechanisms between the JPP and other CTG policy partnerships to leverage shared expertise and resources. This would foster a collaborative approach to address cross-cutting issues and collectively respond to shared challenges, enhancing the overall impact, particularly in areas like supporting individuals with disabilities in the justice system.
- **B Establishment of a Broad Network of Policy Experts:** There are opportunities for the JPP to accelerate the implementation of key priorities by identifying and connecting with experts from across justice and related agencies – such as the Australian Human Rights Commission, Australian Law Reform Commission, Australian Institute of Criminology, state agencies like the NSW Bureau of Crime

Statistics and Research (BOCSAR), oversight bodies such as the Ombudsman and police conduct commissions. This would:

- Facilitate knowledge sharing and collaboration on complex issues.
 - Build a community of practice of policy experts to serve as a valuable resource to drive impactful and evidence-based policy outcomes.
 - Provide insights and expertise that contribute to informed decision-making within the JPP.
- **C. Prioritise Stakeholder Engagement and Communication:** There are opportunities for the JPP to broaden and establish ongoing stakeholder engagement and public communication to expand visibility and consult beyond the justice sector. Broadening consultation beyond the justice sector is crucial to enhancing the impact of JPP initiatives. As noted above, a key challenge of the JPP is that many of the drivers of the over-incarceration of Aboriginal and Torres Strait Islander people sit outside the justice system.

How do policy partnerships build accountability into their structure and governance?

Overview

The JPP recognises the critical importance of ensuring accountability and transparency in decision-making regarding justice system policy and law reforms.

- **Justice Impact Assessment:** On the recommendation of the JPP, in December 2022 Joint Council agreed to a number of recommendations that aim to promote collective responsibility to deliver commitments outlined in the National Agreement. Governments are required to:
 - Prioritise objectives and outcomes: Consider and apply the objectives and outcomes of Priority Reforms and justice targets (10 and 11).
 - Model impact: Model the impact of new justice policy and law reforms on Aboriginal and Torres Strait Islander adults and young people.
 - Develop mitigation strategies: Develop mitigation strategies to address any identified negative impacts.
- **Justice Impact Reporting Template:** The JPP is actively developing a Justice Impact Assessment template for reporting to the Joint Council (which is expected to be endorsed by PWG in 2024).

- **Improving Communication and Information Sharing:** As the JPP has matured, considerations have been made to enhance communication and information sharing across all levels. Key accountability mechanisms being considered by JPP representatives include:
 - Information Sharing Protocol: Development of an Information Sharing Protocol ensures that all government representatives promptly advise the JPP of known decisions that could significantly negatively impact Targets 10 and 11 or attract criticism from Aboriginal Community Controlled Organisations

Identified Issues

JPP members have raised the following areas where opportunities exist to adjust accountability arrangements:

- **State and Territory Community-Controlled Justice Peaks Participation:** Current JPP governance arrangements include membership from state and territory justice departments and from national justice peaks, but not state and territory community-controlled justice organisations. Coalition of Peaks member have identified this as an issue impacting accountability, as there is currently no formalised arrangement for the JPP to consult with jurisdictional-level policy partnerships/engagement mechanisms that include state and territory community-controlled organisations, to enable those organisations to provide alternate perspectives on progress at the state or territory level.
- **Closing the Gap roles and responsibilities:** Coalition of Peaks members have identified that further work is required to ensure government departments ensure all staff, strategies and policies actively consider JPP and CTG Priority Reforms and Socio-Economic Targets (as opposed to all accountabilities residing within a single team).

Possible Opportunities

- To build accountability into the structure and governance of policy partnerships, several actions are recommended:
 - **A. Reviewing accountability mechanisms:** As part of the scheduled 3 Year review of JPP, the JPP will consider evaluating its governance and accountability mechanisms, including consideration of:
 - Options to ensure greater participation of state and territory community-controlled justice organisations.

- Revised protocols to ensure Peaks and Independents have opportunities to provide commentary on issues and progress in JPP Annual Reports.
- Expanding the JPP’s roles and responsibilities broadly across government departments in recognition of the need for all areas of government to support delivery of Closing the Gap outcomes.
- **B. Funding for the commissioning of strategic projects.** Additional resourcing would help to drive more urgent progress on strategic initiatives like Justice Impact Assessments, sector strengthening plans, law reform proposals in areas such as bail, and the national commitment to raise the age of criminal responsibility. Such resourcing is a matter for governments.

Are Policy Partnerships the Right Mechanism? Are there Other Mechanisms?

- Policy partnerships have proven to be valuable mechanisms for establishing the foundations to drive change across the five sectors. The JPP has provided unique opportunities to place Aboriginal and Torres Strait Islander justice issues on the national agenda. The JPP has also enabled - for the first time in decades - a forum for Aboriginal and Torres Strait Islander organisations and community leaders across a broad spectrum of sectors to meet with all governments to partner on how to transform justice systems.
 - Recently the JPP Co-Chairs presented the JPP Strategic Framework to the Standing Council of Attorney’s-General (September 2023) and will present at the next Police Ministers Council – both of which bring together relevant Commonwealth, state and territory parties and have a standing agenda item on Closing the Gap. These fora present opportunities for the JPP to drive accountability, action and to promote the opportunities of working with the JPP across jurisdictions.
 - JPP representatives were formal members of the Standing Council of Attorney’s-General Working Group on the Minimum Age of Criminal Responsibility and ensured the Group’s Report embedded an Aboriginal and Torres Strait Islander perspective and influenced the position of states and territories through the drafting process. The Report received in-principle support from the Standing Council of Attorney’s-General (SCAG) in September, with jurisdictions agreeing to consider their responses to the report prior to the SCAG meeting in December.

- The JPP has also fostered the building of a working partnership between the AGD and NATSILS – at both the working and senior official levels.
- The JPP has provided an opportunity to build personal and institutional relationships and trust. While this is an ongoing process, good early steps have been made, including:
 - Ongoing exchange of ideas and options on reform actions
 - Sharing of information and innovative approaches to resolve long standing issues (such as raising the minimum age of criminal responsibility)
 - Consider cross-jurisdictional issues and perspectives between government agencies and community-controlled organisations.
 - Encouraging whole-of-justice system thinking, rather than a narrow focus on individual justice agencies and portfolios (including identifying and progressing work on long-standing cross-portfolio issues such as access to healthcare and disability support in places of incarceration).
- The trust and relationships built within the JPP provide a strong foundation for the implementation of key strategic initiatives in the Strategic Framework and to work with a range of stakeholders on its implementation.
- The JPP members see that there are real opportunities to drive improvements in policy and decision-making with its established foundation.

Possible Opportunities

- While the JPP has progressed a variety of positive outcomes, they are just one part of the broader national architecture required to support Closing the Gap. As the JPP moves to implementing its Strategic Framework, it is critical that ministerial-level engagement continues with key fora including the Standing Council of Attorney Generals and the Police Ministers Forum, in addition to identifying how to contribute to other cross-portfolio mechanisms (such as the Corrective Services Ministers Council, Health Ministers Meeting and the Women’s Safety Ministerial Council) to address cross-cutting issues. This could promote high-level engagement and support in addressing national policy challenges across governments to ensure a unified approach in addressing the Closing the Gap targets.