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Commissioner Romlie Mokak  
Productivity Commission,  
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By email:

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6<sup>th</sup> September 2019

**RE: INQUIRY INTO INDIGENOUS EVALUATION STRATEGY**

Dear Commissioner Mokak,

We welcome and appreciate the invitation to make a submission in relation to a whole of government indigenous evaluation strategy. On reflection the level of multidisciplinary analysis required to respond properly to the Productivity Commission's questions falls outside the capacity of our legal service. There are however important insights that arise from Justice Reinvestment projects which we would like to draw to the attention of the Productivity Commission.

**Preliminary Consideration: Our background to comment**

The Aboriginal and Torres Strait Islander Legal Service (Qld) Limited (ATSILS), is a community-based public benevolent organisation, established to provide professional and culturally competent legal services for Aboriginal and Torres Strait Islander people across Queensland. The founding organisation was established in 1973. We now have 26 offices strategically located across the State. Our Vision is to be the leader of innovative and professional legal services. Our Mission is to deliver quality legal assistance services, community legal education, and early intervention and prevention initiatives which uphold and advance the legal and human rights of Aboriginal and Torres Strait Islander people.

ATSILS provides legal services to Aboriginal and Torres Strait Islander peoples throughout the entirety of Queensland. Whilst our primary role is to provide criminal, civil and family law representation, we are also funded by the Commonwealth to perform a State-wide role in the key areas of Community Legal Education, and Early Intervention and Prevention initiatives (which include related law reform activities and monitoring Indigenous Australian deaths in custody). Our submission is informed by four and a half decades of legal practise at the coalface of the justice arena and we therefore believe we

are well placed to provide meaningful comment. Not from a theoretical or purely academic perspective, but rather from a platform based upon actual experiences.

## **A WHOLE OF GOVERNMENT INDIGENOUS EVALUATION STRATEGY**

There are important insights that arise from Justice Reinvestment projects which we would like to draw to the attention of the Productivity Commission. The following references contain valuable discussions of key ideas and on the ground experiences of service delivery:

On Justice Reinvestment, shifting investment from youth and adult detention centres towards programs in the community (in Bourke):

Law Society of New South Wales, *Reshaping Justice in Bourke, How a new approach to crime prevention is rejuvenating one of New South Wales's most vulnerable communities*, LSJ Vol 45 June 2018 pages 32 to 37, available at <https://lawsociety.cld.bz/LSJ-June-2018> (copies attached)

The analysis of the impacts of the Maranguka (Bourke) Justice Reinvestment Project by KPMG,

Maranguka Justice Reinvestment Project, Impact Assessment:

<http://www.justreinvest.org.au/wp-content/uploads/2018/11/Maranguka-Justice-Reinvestment-Project-KPMG-Impact-Assessment-FINAL-REPORT.pdf>

Queensland Productivity Commission, *Service Delivery in Queensland's Remote and Discrete Indigenous Communities*, June 2018, available at <https://www.qpc.qld.gov.au/inquiries/service-delivery-in-queenslands-remote-and-discrete-indigenous-communities/>

In particular, chapters 10 and 11:

<https://qpc.blob.core.windows.net/wordpress/2018/06/Chapter-10-Evaluation.pdf>

<https://qpc.blob.core.windows.net/wordpress/2018/06/Chapter-11-Implementation.pdf>

and the strategies to guard against surrogation outlined in:

M Harris and B Tayler, *Don't let metrics undermine your business, an obsession with the numbers can sink your strategy*, Harvard Business Review, September-October 2019, pp 63-69.

We thank you for the opportunity to contribute to the enquiry and would welcome responding to any queries that may arise in relation to these references concerning program delivery and justice reinvestment.

Yours faithfully,

Mr. Gregory M. Shadbolt  
Principle Legal Officer