

MAKING JUSTICE WORK ON THE SNIFF OF AN OILY RAG
MJW PRESENTATION TO THE 2017 CLANT BALI CONFERENCE



INTRODUCTION

The 'Making Justice Work' campaign brings together a wide range of groups with a common interest in effective responses to crime in our community. Groups taking part in the campaign have agreed to work together to promote evidence-based approaches to 'law and order' and community safety.

The campaign has no political affiliations. Its members are prepared to work with the Northern Territory Government, Opposition and Independents to develop sound policy and proposals for law reform. The following principles set out the foundations upon which such policies and proposals should be based.

We are committed to making the justice system work to protect the community.

As a result of this we are currently working with the NT Government on:

- Development of an Aboriginal Justice agreement
- A specialist youth court in Alice Springs
- The Northern Territory Government has announced a comprehensive public review of the Northern Territory's alcohol policies and legislation, including the Liquor Act, in order to develop an evidence-based overarching alcohol harm reduction framework.
- Territory Families is tendering to the NGO sector supported bail accommodation
- Territory Families will be developing a new youth juvenile detention model
- Youth detention was removed from corrections and placed in Territory Families
- The NT Government is working to transfer OOHC to the NGO sector
- The NT Government is setting up a Domestic Violence court in Alice Springs
- The NT government is setting up a Specialist Youth Court in Alice Springs
- The government is funding youth conferencing

HOW DID MJW COME ABOUT (WHY DID WE NEED IT?)

One of the reasons for MJW was the frustration that it seemed to be only NAAJA and CAALAS who would speak out on justice issues. Wanted to broaden the base and provide people with some security if they spoke out.

It was important in the early days to get as broad a membership as possible – this has been a big part of the success.

Making Justice Work was established back in 2012. In early 2012 NAAJA was very active in the media on Indigenous Justice issues but unfortunately was being targeted.

We tried to get other organisations to come out in the media but many were hesitant as they were concerned they would also be targeted and this would affect their funding.

So NAAJA thought about bringing together a number of NGOs not only legal services but other organizations to come together as a group and lobby.

In early 2012 we wrote to a number of organizations inviting them to be part of this group and explained what signing up to Making Justice Work would mean and what the strategic direction of the campaign was.

By March 2012 we had a number of organisations sign up. We then started to develop principles and work out a plan on lobbying the current government, opposition and independents.

The principles were:

- Stronger measures are needed to prevent crime and deal with its causes
- Prison is not a solution
- Young people should be kept out of the criminal justice system where possible
- We should put offenders to work, not just lock them away
- We should work with offenders and set them up to succeed, not fail

We then nominated delegates to go out and lobby government.

MEMBERSHIP

Aboriginal Medical Services Alliance Northern Territory | ANTaR
| APO NT | Australian Red Cross | Catholic Care NT | Central
Australian Aboriginal Alcohol Program Unit | Central Australian
Aboriginal Legal Aid Service | Central Australian Aboriginal
Congress | Central Australian Youth Justice | COTA NT | Council
for Aboriginal Program Services | Criminal Lawyers Association of
the NT | Danila Dilba | Council Of Churches | Darwin Community
Legal Service | Dawn House Women's Shelter | Domestic
Violence Legal Service | FORWARD Aboriginal Corporation |
Jesuit Social Services | Larrakia Nation Aboriginal Corporation |
North Australian Aboriginal Justice Agency | Northern Territory
Council of Social Service | Northern Territory Legal Aid
Commission Northern Territory Mental Health Coalition | NT Bar
Association | NT Council of Churches | NT Shelter | Relationships
Australia NT | The Salvation Army | Top End Women's Legal
Service | NT Council of Government Schools Organisations |
Law Society Northern Territory | YWCA of Darwin

We would set up plans to commence lobbying leading up to an election then go in again after the election to push our principles. By July 2012 Making

Justice Work was being featured in media articles such as NT News and the Law Society NT journal Balance.

We then set up our website. Up to November 2015 this work was being split between NAAJA and NTCOSS sharing the workload.

WHAT DID MJW DECIDE TO FOCUS ON AND WHY?

We then applied for funding under the Law Society Public Purposes Trust and were successful in receiving funding and we then employed Sam Bowden to manage Making Justice Work.

We then went full steam ahead doing FACT sheets on Mandatory sentencing Alcohol Protection Orders and prison spending

By April 2016 we had developed a strong election campaign which included 6 key asks to go out and lobby the current government, opposition and independents.

The Six Asks:

Aboriginal Justice Agreement

Specialist and therapeutic courts

Rehabilitation and reintegration

Reduce number of young people being locked up

Abolish mandatory sentencing

Comprehensive plan to deal with alcohol

2016 NT ELECTION: SIX ASKS TO MAKE JUSTICE WORK for TERRITORIANS

**ask 1**

ABORIGINAL JUSTICE AGREEMENT

Negotiate an Aboriginal Justice Agreement that sets out how the government and Aboriginal people will work together to make justice work.



**ask 2**

SPECIALIST & THERAPEUTIC COURTS

Commit to establishing and resourcing specialist and therapeutic courts across the Territory's entire justice system.



**ask 3**

REHABILITATION & REINTEGRATION

Intensive supervision with community-based services reduced recidivism rates by 18 per cent.

One of the key roles prison must play in our society is rehabilitating people for their return to the community. There needs to be increased funding for rehabilitation, reintegration and employment programs for young people and adults already in the system.



Community-based programs have a greater impact on recidivism than those based in prisons.ⁱ

i According to the WSIPP study, the latter reduced recidivism rates by an average of 5-10 per cent, whereas intensive supervision with community-based services reduced recidivism rates by 18 per cent.

**ask 4**

REDUCE THE NUMBER OF YOUNG PEOPLE BEING LOCKED UP

The government could employ **3.5 mid-level nurses** each year for the same amount it costs to keep **one young person in detention.**ⁱⁱ

The NT locks up young people more often than anywhere else in Australia. Evidence based early childhood programs, like the Nurse Family Partnership Program, have been shown to reduce by more than 75% interactions between young people and the criminal justice system.ⁱⁱⁱ

A study by the Australian Institute of Criminology found that young people diverted from the court system were less likely to have further involvement in the criminal justice system.^{iv}

ii See Department of Correctional Services Annual Report 2014-2015.

iii Tremblay R E, Gervais J, et al. (2006). Early childhood learning prevents youth violence. Montreal, Quebec, Centre of Excellence for Early Childhood Development.

iv Troy Allard, Anna Stewart, April Chrzanowski, James Ogilvie, Dan Birks and Simon Little. Police Diversion of Young Offenders and Indigenous Over Representation (March 2010) Australian Institute of Criminology.



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**ask 5**

ABOLISH MANDATORY SENTENCING

The government could employ **one senior classroom teacher** for the same amount it costs to keep **one person in prison** each year.^v

Mandatory sentencing does not work to reduce crime or make the community a safer place. Harsher sentences have been shown not to deter offenders.

v See Department of Correctional Services Annual Report 2014-2015.



**ask 6**

COMPREHENSIVE PLAN TO DEAL WITH ALCOHOL

The cost per person of alcohol-related harm in the NT is more than four times the national level.^{vi}

Alcohol is a major driving factor behind offending and causes significant harm to our community. The NT needs a comprehensive plan to deal with alcohol – including a review of current laws and policies to identify strengths and shortcomings.

vi http://www.menzies.edu.au/page/Research/Indigenous_Health/Smoking_alcohol_drugs_and_other_addictive_behaviours/Alcohol/



**our rights
our justice
our future**

take a stand now

We were really thorough on this plan as not only did it have the asks, we had priorities what the law and order myths were and what our response to those myths were.

We also included evidence of successful programs we could highlight.

WHY THIS CAMPAIGN WAS SUCCESSFUL

We have been very fortunate to have good members on our campaign and we have a good governance structure.

All members have an equal say in all the decision made by Making Justice Work.

Where the members have different views the final decision is made by the CEOs of NAAJA and NTCOSS.

Before we make this final decision we put the issue and recommendation to the specialist MJW committee which could be the Aboriginal Justice Agreement committee, alcohol committee or youth justice committee and get their views on the recommendation.

In 2016 Making Justice Work won the 2016 Fitzgeralds NT Human Rights Award for Justice.



Most campaigns that are successful have an element of luck /or something happen which spurs the campaign along.

We had several – a changing government and the 4 Corners program. But we still had to be ready to capitalise on that – and we were. 4 Corners had assisted in getting many of the community on side as well as politicians.

The success of the campaign was helped by being so organised – the asks, the evidence behind it, the speaking notes – provide safety for so many diff people to speak out and gave us legitimacy/ professionalism

LESSONS LEARNED

Not prepared enough for 2012 election.

Didn't realise that at the time but now realise it wasn't as successful in 2012 for the same reason that it was successful in 2016.

Was successful in 2016 because we were prepared, and there was likely to be a change in government.

Things happened that we didn't have control over like the change of government and Four Corners. The TFES Mandatory Sentencing campaign was also successful in 2001 when there was a change of government and media attention to a tragedy affecting a child – a suicide in Don Dale – 2012 had neither of these characteristics.

Some things made the campaign harder e.g., when people keep committing crimes! eg Wulagi Public School break-in – we had to check our messaging and shift things to talk about victims, not just the kids' histories or restorative justice options.

The collective voices worked in the campaign – all saying the same things, media strategy to have different services on media releases. And then using people like Felicity Gerry QC to talk about the human rights perspective that we had made a conscious decision to eliminate from our messaging to not alienate our campaign from the CLP who didn't seem concerned about children's human rights

For media comments, we asked ourselves who was the most effective messenger of the position we were pressing – front line staff, lawyer, academic?

One of the lessons learnt from our initial campaign in 2012 was to put our asks in writing – we had several meetings where candidates said one thing to us, then spoke publicly with a different response

The challenges for the campaign now are to work with the government to implement the 6 key asks with the limited resources of 1 part-time staffer.

Interesting that in hindsight we were probably too conservative in our asks - eg not asking for more on youth detention. But we were developing them as though either side could win.

The unexpected challenge of turning a campaign into an ongoing movement. How to maintain the energy, the resources, the control – (like it or not there has to be some control so that people are comfortable with their name/logo being attached to it)

How to now manage the expectations from differing groups. Do we keep focus on the big picture or deal with every little issue along the way? Should we have stayed out of being involved in the how to and just stuck with being a group who did advocacy?



HOW YOU CAN HELP

We are now seeking future funding for the campaign – please let us know if you are aware of any philanthropic opportunities to continue the campaign for this term of government.

MJW 2016 election campaign timeline

October 2015 – January 2016

OXFAM funding, Coordinator based with NAAJA

Focussed on bringing the group together

Feb – May 2016

OXFAM funding, Coordinator based with NAAJA

Focussed on developing the asks, myths

June – August 2016

PPT funding, Coordinator based with NTCOSS

Focussed on finalising the asks, social media, responding to Four Corners, developing relationships with the Opposition, promotion with Rob Hulls

September 2016 – approx. April 2017

Law Society Public Purposes Trust (second grant) funding, Coordinator based with NTCOSS

Focussed on governance, responding to school holiday vandalism, building relationships with new government

May 2017 – June 2017

NTCOSS funding, Coordinator based at NTCOSS

Focussed on governance, responding to emerging issues, Aboriginal Justice Agreement