



Issues Paper – Excerpt

Companion to the WACOSS Pre-Budget Submission

Investing in Outcomes
Making it Count for the People of WA

**Part One – Issues and Funding Pressures in the Community Services Sector
Safety and Justice**



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Safety and Justice*

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SAFETY AND JUSTICE

Background

Properly functioning systems of safety and justice are at the heart of developed democracies. A key role of the state is to ensure that people feel safe in their communities and protected by a justice system that is effective, accessible and accountable. This requires a balance of approaches which not only provide disincentives to crime but actively address the issues which can lead to crime.

In the past, policies to promote safety have reflected funding priorities which focus on punitive measures. WACOSS believes this is detrimental to the overall safety and wellbeing of the community and does not represent sound investment practice. According to budget figures an adult prisoner costs the government \$96,360 per annum; and with 1667 new beds to be established over the medium term this equates to an additional spend of \$160, 632,120.¹

WACOSS welcomes the renewed focus on offender management and support services to rehabilitate offenders and to reduce recidivism. The focus on employment and training for offenders to equip them with the skills they need to successfully re-integrate into the community is crucial. The investment in youth justice services, particularly in regional WA is prudent. Diverting young people from the justice system improves that young person's life chances, and eases the burden on corrections facilities. All of these services could form part of a coordinated justice reinvestment response to tackling the high incarceration rate of Indigenous West Australians.

However, we also believe that the government could achieve improved community outcomes and restrain escalating costs through a balance of programs which aim to prevent vulnerable people resorting to crime in the first place, as well as give the appropriate support to prisoners once in the corrections system. Preventative measures have a long history of reducing crime and the need for investment in punitive punishments and prison infrastructure.

Issues

Justice Reinvestment

Justice reinvestment is a localised criminal justice policy approach that first emerged in the United States. Under this approach, a portion of the public funds that would have been spent on covering the costs of imprisonment are diverted to local communities that have a high concentration of offenders. The money is invested in community programs, services and activities that are aimed at addressing the underlying causes of crime in those communities.

Justice reinvestment still retains prison as a measure for dangerous and serious offenders but actively shifts the culture away from imprisonment and starts providing community wide services that prevent offending.

¹ Government of Western Australia, 2010 -2011Budget, Budget Statements, Vol. 2

The high levels of Indigenous over-representation, the large amount of money being spent on Indigenous imprisonment and the toll that this is taking on individuals and communities all suggest to that we should seriously consider justice reinvestment in Australia.²

WACOSS believes a justice reinvestment framework can drive greater efficiencies in the corrections system by addressing the root causes of offending behaviour and increasing the community's capacity to respond to and deal with problems at a local level, before coming into contact with the justice system. A justice reinvestment strategy would be particularly beneficial in disadvantaged Aboriginal communities, where the level of Aboriginal incarceration remains unacceptably high. As at 30 June 2009, 41.6% of all adult prisoners and 74% of all juvenile detainees were Aboriginal.³

For an expanded Justice Reinvestment program to be successful partnerships and government departments need to work together. For example, a Justice Reinvestment program would need the cooperation of the Courts, Police, Juvenile Justice or Corrections, Community Services, Health, as well as NGOs and of course the community. Justice Reinvestment requires also community involvement. Indigenous communities must be meaningfully engaged and consulted, and be a key part of the decision-making process.⁴

A fine example of how community organisations can deliver effective services within a justice reinvestment framework is the YMCA's Bridge Project. The YMCA is well placed to observe the "revolving door" behaviour of young offenders through its extensive contact with them on a daily basis. Based on its experience, the YMCA has developed a significant intervention which aids young offenders, provides work-ready employees, is cost effective and has a positive impact on community safety issues. The Bridge Project aims to deliver these outcomes by:

- Building self-esteem in young offenders;
- Creating positive interactions between young offenders and community;
- Building awareness and representation to give young offenders "a fair go"; and
- Providing valued and ongoing employment opportunities.⁵

² Human Rights and Equal Opportunity Commission. *Social Justice Report 2009*. See http://www.hreoc.gov.au/social_justice/sj_report/sjreport09/pdf/sjr_ch2.pdf

³ Department for Corrective Services. Annual Report. 2008-2009. See <http://www.correctiveservices.wa.gov.au/files/about-us/statistics-publications/dcs-annual-report-2008-2009.pdf>

⁴ Australian Human Rights Commission. Social Justice Report 2010. See http://www.humanrights.gov.au/about/Media/speeches/social_justice/2010/20100320_justice_reinvestment.html

⁵ YMCA. The Bridge Project. Information accessed from <http://www.bridgeproject.ymca.org.au/index.asp?menuid=070>

Justice reinvestment in the USA

In the US, imprisonment rates are dropping in places where justice reinvestment is being implemented. For example, there was a 72% drop in juvenile incarceration in Oregon, after money was reinvested in well-resourced restorative justice and community service programs for juvenile offenders.

Texas reinvested \$241 million in treatment programs and improved probation and parole services, instead of in prisons. There was a saving of \$210.5 million in the 2008–2009 financial year and the Texan prison population stopped growing for the first time in decades.⁶

Family and domestic violence

Family and domestic violence is a serious community issue, with the number of incidences and complexity surrounding each case growing. In a 12 month period from 2008-2009, WA Police attended 30,933 incidences of family and domestic violence, and issued 8,371 police orders.⁷ WACOSS welcomes the release of the *State Strategic Plan for Family and Domestic Violence*, as well as the injection of funds into the Family and Domestic Violence Case Management and Coordination Services unit. However, as many women's refuges across the state struggle to manage without any increase to their core funding levels, they are increasingly unable to meet the needs of growing numbers of women and children.

Community organisations also report that as well as child support and outreach workers for women and children accessing refuge-based services, more investment is needed to support organisations who provide services to women seeking help outside of the refuge model. There are many women who prefer accessing services that are not refuge based. These might include family and relationship counselling, legal advice, or information and referral to other community services. The funding pressures on these organisations are immense, as they struggle to continue to provide services to a greater number of clients, also with no increase to their core funding levels.

Family and domestic violence is also a growing concern for women and children with temporary residential status staying in women's refuge services. The Women's Council for Domestic and Family Violence Services needs funding in order to provide essential support to women and children from Culturally and Linguistically Diverse (CaLD) communities, as well as temporary Visa holders who are ineligible for Commonwealth assistance. Refuges across the state are already stretched to capacity, and will struggle to keep up with the demands of these growing client groups.

There is significant disconnect in state and federal policies which simultaneously encourage families to migrate to Australia to address skills shortages, but then fail to provide humanitarian support on the grounds that they are ineligible for Commonwealth assistance. 457 Visa holders and other skilled migrants are ineligible for Centrelink, Medicare and other forms of necessary support as a victim of domestic and family violence. Spouses and families of 457 Visa holders are faced with deportation if

⁶ Justice Reinvestment: a new solution to the problem of Indigenous over-representation in the criminal justice system. See http://www.humanrights.gov.au/about/Media/speeches/social_justice/2010/20100320_justice_reinvestment.html

⁷ Government of Western Australia. 2010-2011 Budget, Budget Statements, Volume 3.

they choose to escape a domestic violence situation if it is reported to Department of Immigration and Citizenship. Legislative change is required to bring conditions and provisions of 457, 422 and New Zealand Visa holders in line with those granted to Special Category Visa holders.

Many CaLD women and children remain in refuges longer than necessary due to their lack of income and inability to access public housing. Refuges are now accommodating increasing numbers of this client group, incurring additional expenses to provide basic needs. This has resulted in an enormous strain on refuge services, meaning they are less able to assist other women and children in the community who also desperately need help.

Community legal services

Community Legal Centres (CLCs) are positioned at the prevention and early intervention end of the legal system, working to reduce the negative social consequences associated with lack of access to justice. CLCs provide free and/or low cost services to those on low and fixed incomes (who may be social security recipients) and other vulnerable groups who may have trouble accessing legal services, such as Aboriginal people, women, young people, prisoners, those with a disability and CaLD people. They provide a valuable safety net for those who cannot afford a private lawyer, or who are not eligible for legal aid.

Community Legal Centres enhance citizenship, make a positive contribution to the community and should be supported by government at all levels. The diversity of centres ensures that relevant and appropriate services are delivered to meet client needs.

There are currently 28 member centres in the Community Legal Centre Association of Western Australia. 10 centres are located in regional areas. Historically, CLCs provide a range of legal services, broadly including: casework; education; policy and law reform; and community development. On average, centres operate for 37.8 hours per week although, depending upon funding, this can range from 30 to 40 hours per week. Four centres operate for 30 to 32 hours per week. Service hours are not fueled by demand, as it outstrips supply; rather centres' operating hours are determined on the basis of funding.

Existing centres are well located but are under enormous pressure to meet high demands for services. Such demands threaten the sustainability of existing services and yet many client groups are not adequately serviced. Significant gaps have been identified through a number of avenues for services to young people, mental health consumers, Aboriginal and CaLD people. Additionally, gaps in services are evident in the West Kimberly region and the Midland area. The provision of legal services to rural, regional and remote persons is also deficient. Recent legislative changes and governmental policy directions have led to the emergence of new priority client groups for older person's rights, homeless people and those with family law issues.⁸

The looming crisis facing our community legal centres was highlighted in a Stateline report in May this year. They reported that WA's community legal centres are approaching financial breaking

⁸ CLCWA. Pre-budget submission to State Government 2010-11

point, with the state's Aboriginal legal service considering a partial shut-down. Centres are turning away desperate clients, with some lawyers seeing more than 100 people a day.⁹

WACOSS predicts that the State's tough law and order agenda and the new mandatory reporting legislation will put further pressure on already stretched resources. Currently, WA's funding program is substantially less than in NSW, Queensland and Victoria. WACOSS see it as a matter of grave concern that no new monies have been allocated to the state funding program since 2005.



⁹ Community Legal Sector in Trouble (May 2010). Stateline report. See <http://www.abc.net.au/news/video/2010/05/07/2893815.htm>