





Community Justice in Australia

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Community Justice in Australia

- What does it mean to promote justice?
- How can the community support responses to offending behaviour?
- What responses to offending are required in the context of Australia?

What Does it Mean to Promote Justice?



What Does it Mean to Promote Justice

- Community justice requires wider conception of justice than what is done by criminal justice system
- Justice does not simply mean 'harsh punishment'
- Legitimacy and rule of law are crucial aspects of justice

What Does it Mean to Promote Justice?

- Differential representation of some groups is a crucial issue of justice
- Justice relates to fairness, equality and our obligations to others
- Justice as the 'common good' is probably most relevant to community justice

What is a Community?



What is a community?

- Term used in a variety of ways but implies connection and support
- Common ways to use term include disintegrated, divided, virtual, gated, communities of choice
- Individuals can have own communities supporting them in living their conception of the good life

Does everyone in Australia belong to a community?

“Indigenous young people are represented as belonging to a community, this is rarely the case for non-Indigenous young people, who are not represented as belonging to any community beyond their ‘community of care’” (Richards, 2014: 3)

Community Justice as Engagement

“I think one definition of community justice would be that you take your direction as an agency from what the community wants from its public services.”

(Senior and Nellis, 2013: 43)

Australia

- **Modern Australia built on a penal strategy of transportation**
- **Impact of settlement/ invasion on Aboriginal people still felt**
- **Criminal Justice system impacts on Aboriginal people**
- **Federal system with considerable differences between states**

Recent events in Australian criminal justice: Parole laws



Recent events in Australian criminal justice: Don Dale



Recent events in Australian criminal justice: Royal Commission on Child Abuse



How do we operationalise Community Justice in Australia?

- Values
- Restorative Justice
- Alternative to penal populism
- Diversity
- Inclusive of all
- Promotes desistance
- Invests resources

Community Justice Values



Community Justice Values

- Working in criminal justice is a moral enterprise
- Traditional social work values not sufficient, don't acknowledge real harm caused by crime
- Community justice acknowledges common humanity and that all have capacity for great good and great evil

Community Justice Values in Australia

- Values statements are utilised in Australia, particularly in state corrections
- Professional bodies, such as the AASW will have codes of ethics
- Arguments based on human rights and social justice will have traction in promoting community justice
- The Values debate is led by NGOs and campaigning bodies



Restorative Justice



Restorative Justice

- RJ approaches bring offenders, victims and community together to resolve crime
- Parties to dispute take lead in resolving it, rather than passing responsibility to state
- Ever more popular approach, particularly for young, minor, first-time offenders across the world

Restorative Justice in Australia

- Strong claims for Restorative Justice roots in Australia, New Zealand and the Pacific
- Very similar ethos and values in Restorative Justice and Community Justice
- Restorative Justice is reactive, focused on disputes
- Community Justice is proactive, wider focus on community as a whole

Restorative Justice in Australia

- Roots of Restorative Justice in Indigenous communities make it an appropriate approach
- There can be a risk of missing wider issues of social justice, inclusion and participation
- RJ in Aboriginal Communities should not be narrow conceptions of individual crime
- As elsewhere, RJ discourse in Australia has brought attention to services for victims
- Victims Commissioners are appointed in most states and territories

Victims Commissioners provide information to the public



Alternative to Penal Populism



Alternative to Penal Populism

- Dominant popular theme is that ever harsher punishment and more exclusion is needed
- Governments base policy on this perception of public opinion not research or evidence
- Community justice can provide an alternative discourse of inclusion

Penal Populism

- Mandatory sentencing; minimum sentencing; standard non-parole periods; sex offender registration schemes; increased prison population
- In Australia popular debate does not have to lead to punitive responses, for example in lock-out laws

Recent events in Australian criminal justice: Lock out laws





Diversity



Diversity

- Community Justice is concerned with how diverse groups are dealt with in the criminal justice system
- Diversity can relate to Aboriginal status, race, religion, gender, age, mental health
- Inclusive values draw attention to any instances of differential treatment

Diversity in Australian Criminal Justice

- Complex roots both historically and geographically in Australia
- Care needs to be taken in treating groups as homogenous entities
- Community is not something that should be assumed to exist, it is a state to aspire to

Parramatta Female Factory and Girls Home



Inclusive of All



Over-representation of Aboriginal people in the Criminal Justice System

- New South Wales imprisons Aboriginal people at 11 times the rate of non-Aboriginal people
- 24% of the prison population is Aboriginal (BOCSAR figures)
- Variety of reasons suggested for this, with a variety of solutions, inside and outside criminal justice system

Bifurcation

- Bifurcation refers to the practice of treating one group of offenders leniently while treating another group very harshly
- Community justice must engage with issues of risk and public protection to avoid simply devising solutions for minor offenders

Bifurcation in Australia

- Bifurcation: treating one group leniently, another group harshly
- Community justice must engage with public protection and high risk
- Diversion schemes are common and present in all states
- Serious or persistent young offenders are dealt with by way of detention
- Government is able to claim simultaneously that it is being tough on crime and responding creatively to young people in need

Aboriginal Over-representation in the Criminal Justice System



Promotes Desistance



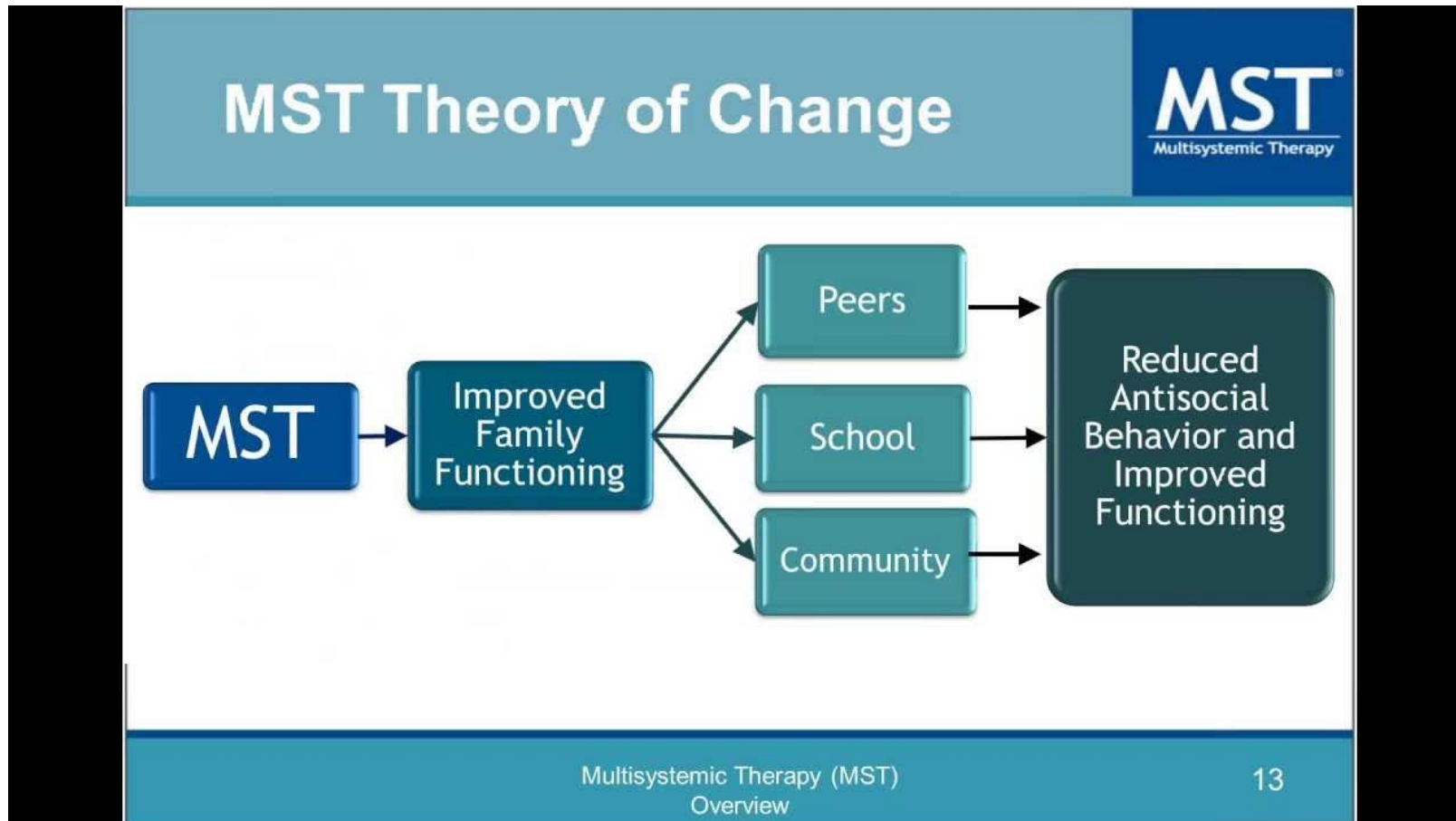
Desistance

- How can we work with offenders to help them move away from offending?
- Community is those who can support an individual in pathway to desistance.

Promoting Desistance in Australia

- My research into interventions with young people in NSW found that family work could help with school attendance, family relationships, mental health
- Interventions may not have short-term impact on offending but can build long-term desistance

Intensive Supervision Program: Juvenile Justice, New South Wales



Justice Reinvestment



Justice Reinvestment

- Is there a better way to deliver justice?
- Instead of spending money on incarcerating offenders, could it be better spent earlier, on preventative approaches?
- Justice reinvestment is an explicitly economic approach to investing in communities

Justice Reinvestment

- Identifying potential savings in the future is not always straightforward
- Reinvesting in communities, in practice, can mean investing in one area of the criminal justice system rather than another
- Has been some resistance in investing directly into Aboriginal communities

*David Brown, Chris Cunneen, Melanie, Schwartz, Julie Stubbs and Courtney Young (2016),
'Justice Reinvestment: Winding back Imprisonment', Palgrave Macmillan.*

Justice Reinvestment in Australia



Promotion of Community Justice in Australia

Promotion of values

Engagement with community

Language of inclusivity, not exclusivity

Community justice is not just about the criminal justice system

Stout, B. (2017) *Community Justice in Australia*, Sydney: Allen and Unwin

