

PREMIER'S BRIEFING NOTE
Criminal Justice PMO

Tracking Folder No. TF/19/4226
Document No. DOC/19/83562

To: THE PREMIER
Date:
Subject: Youth Justice and Adult Criminal Justice System Reform Program Management Office (PMO).

Approved / Not Approved / Noted
Premier / CoS.....
Date/...../.....
Date Action Required by:/...../.....
Requested by: (if appropriate)

• RECOMMENDATION

It is recommended that you:

- **approve** (subject to funding approval through the 2019–20 Budget process) extension of the Criminal Justice System Reform Framework (CJSRF) PMO in the Department of the Premier and Cabinet (DPC), with an expanded scope of work to address demand pressures on both the youth and adult criminal justice system, including to:
 - o oversee ongoing implementation of the CJSRF work program to reduce remand numbers and respond to demand pressures for the adult criminal justice system
 - o oversee implementation of the proposed Watch House Demand Intervention Plan (the Intervention Plan) and the Youth Justice (YJ) Strategy Action Plan, to divert children from watch houses and reduce youth offending.

• KEY ISSUES

Extension of PMO

- The CJSRF PMO was established in August 2018, to drive systemic reform in responding to demand across the criminal justice system. Achievements to date include:
 - o a 'war room' being established incorporating weekly cross-agency stand-ups supporting agencies to coordinate efforts, share problems and identify improvements
 - o development of a demand and financial forecasting model for whole-of-system policy and budget decisions (with scenario testing to commence in the near future)
 - o development of whole-of-system solutions through place-based engagement with stakeholders (to be implemented through the Safer Communities Fund)
 - o delivery of a suite of cross-agency criminal justice initiatives targeted at reducing demand across the system.
- As part of the forward program of work for CJSRF currently being progressed for consideration through the 2019–20 Budget process, it is proposed that CJSRF PMO be extended for 12 months, with key responsibilities including:
 - o transitioning demand modelling to the Office of the Government Statistician and establishing governance arrangements to embed the demand and financial model into policy and budget processes
 - o progressing place and cohort focused initiatives (integrated with Keep Communities Safe/YJ Strategy/CJSRF initiatives)
 - o progressing the foundational work required for sustainable system change (including integrated ICT enterprise architecture and strategic infrastructure planning)

- developing a whole-of-Government response to the Queensland Productivity Commission's final report (scheduled for release in August 2019)
- developing and progressing a forward program of work to embed whole-of-system responses to criminal justice system demand pressures, with a focus on early intervention and diversion, legal representation, court support and enhanced therapeutic and throughcare responses in the Queensland corrective services system.
- As part of responding to youth justice demand, the Department of Child Safety, Youth and Women (DCSYW) proposed that a YJ Strategy and Demand Management PMO be established within DCSYW, to oversee implementation of the initiatives in the Intervention Plan and the YJ Strategy Action Plan.

Exempt Sch.3(2)(1)(b) Cabinet considerations

- This enhanced PMO will build upon CJSRF PMO capabilities developed to date within DPC and will ensure central government oversight of the implementation of new YJ strategies, practices and initiatives.
- The PMO will be staffed by the eight CJSRF FTEs currently proposed to be funded through the 2019–20 Budget process, together with the four YJ FTEs approved through the 2019–20 Budget (including an SES2 Senior Director, one AO8 policy officer, one AO4 administration and project support officer and one AO8 officer to be seconded from DCSYW). In addition, it is proposed that FTEs be seconded in from other agencies to deliver on critical reforms where required, such as the proposed review of the Justices Act 1886 through CJSRF.
- The enhanced PMO will actively engage with agencies to manage demand and deliver changes in the workings of both the criminal justice system and the broader human service ecosystem. These actions will be directly aligned with the Government's *Our Future State: Advancing Queensland's Priorities* commitments to keeping communities safe.

• BACKGROUND

- Improved governance and collaboration are needed to support agencies to reduce pressures across both the youth and adult criminal justice system. This requires, adopting an improved whole-of-system decision-making architecture, more effective cross-agency coordination and collaboration, better data collection and utilisation, more robust policy development and program evaluations, improved whole-of-system funding and enhanced monitoring and evaluation.

Comments (Premier or DG)

Rachel Hunter
Acting Director-General

DIRECTOR-GENERAL'S BRIEFING NOTE
Criminal Justice PMO

Tracking Folder No. TF/19/6877

Document No.

To: Director-General
Date:
Subject: Staff arrangements to support integrated criminal justice system ICT enterprise architecture

Approved / Not Approved / Noted

Addressee

Date/...../.....

• RECOMMENDATION

It is recommended that you:

- **endorse** the proposal to place of an officer from the Queensland Government Chief Information Office (QGCIO) in the Criminal Justice System Reform Framework Program Management Office (CJSRF PMO) to support work on increasing integration of criminal justice system information technologies, and
- **sign** a letter to the Director-General of the Department of Housing and Public Works seeking to implement this proposal (**Attachment 1**).

• KEY ISSUES

- The CJSRF PMO forward program of work includes progressing foundational work required to deliver a sustainable and integrated criminal justice system, including integrated ICT enterprise architecture. This will assist with achieving desired business outcomes, technical standardisation and integration across the criminal justice system.
- Key strategic objectives will be to maximise the sustainability and inter-operability of any new ICT capability using a commonly agreed set of principles and architecture (including application, information and data architecture); enabling whole-of-system data management to inform operational and policy decision making; and enabling cross government information sharing.
- This work will align with the Queensland Government Enterprise Architecture and the implementation approach from the Deputy Directors General Digital and ICT Steering Committee.
- The CJSRF PMO is continuing to work closely with QGCIO to progress this work but requires specific technical expertise to be based in the PMO to do so. The preferred way to obtain this expertise and embed collaboration is to have a QGCIO officer based in the PMO for a period of six months.
- This arrangement will benefit the wider CJSRF program of work (including ongoing work to develop a throughcare model) and identify opportunities for greater information sharing to support better informed decision-making.
- This work will be led under the sponsorship of the Directors-General Steering Committee, and with oversight from the Deputy Directors General Digital & ICT Steering Committee.

• ELECTION / CABINET / PUBLIC COMMITMENTS

Exempt Sch.3(2)(1)(b) Cabinet considerations

• CONSULTATION

- On 20 June 2019, the CJSRF DG Steering Committee was briefed on the proposed development of an integrated ICT architecture for the criminal justice system (see **Attachment 2 and 3**).
- Reference engagement with DG, DHPW following CC return.

Action Officer:

Area:

Telephone:

Approvals by Director / ED /DDG documented in notes in TRIM

- **BACKGROUND**

- Queensland is undertaking system-wide reform of the criminal justice system, targeted at addressing overcrowding in the corrective services system; alleviating demand pressures in courts; reducing offending; and making communities safer.
- Existing criminal justice IT systems are currently constrained in their ability to support cross system reforms due to information sharing barriers, data quality, consistency and coverage issues, and limitations with compatibility of agency-specific information and data architectures.
- The CJSRF Program Management Office (PMO) was established in August 2018 to drive sustainable, long term, coordinated reform of the criminal justice system.

Comments

Christine Castley
Deputy Director-General
CJSRF Project Management Office

Released under RTI

Action Officer:
Area:
Telephone:

Approvals by Director / ED /DDG
documented in *notes* in TRIM

For reply please quote: TF/19/6877

Liza Carroll
Director-General
Department of Housing and Public Works
1 William Street
Brisbane Qld 4000

Dear Liza,

As you know, the Criminal Justice System Reform Framework Program Management Office (CJSRF PMO) in the Department of the Premier and Cabinet is leading system-wide reform of the criminal justice system. The CJSRF forward program of work includes the PMO progressing foundational work required to deliver a sustainable and integrated criminal justice system, including integrated ICT enterprise architecture.

To date, the PMO has been working closely with the Queensland Government Chief Information Office (QGCI) to ensure that the work will align with the Queensland Government Enterprise Architecture and the implementation approach from the Deputy Directors General Digital and ICT Steering Committee.

The project has now reached a point where there would be significant benefit in having a skilled officer from QGCI co-located with the PMO to progress the development of an integrated CJS IT Strategy and to explore the potential for enabling the necessary technological capabilities to deliver on improved responses to demand across the criminal justice system.

In line with your discussion with Ms Christine Castley, Deputy Director-General, DPC, I would like to propose that an officer from QGCI be based in the PMO for a period of six months to support this work. This officer would work collaboratively with the PMO and relevant criminal justice and human service agencies to assist in progressing an integrated criminal justice system Strategy and ICT enterprise architecture. This would include exploring opportunities to implement greater information sharing to support better informed decision-making across the system.

I would be grateful if you could confirm with Christine as to whether you would support an interchange arrangement to this effect. Christine can be contacted at christine.castley@premiers.qld.gov.au and I appreciate your consideration of this important initiative.

Rachel Hunter
Acting Director-General

___/___/___

Released under RTI - DPC

Criminal Justice System Reform Framework Director-General Steering Committee

Agenda Paper 2 – ICT enterprise architecture

Recommendations That the Director-General Committee endorse progression of this whole-of-system focussed program of work, including agency engagement .

Issues

The Cabinet-endorsed CJSRF forward program of work includes development and implementation of a whole-of-system ICT enterprise architecture. A primary benefit of this approach is that it will provide an integrated foundation and line of sight across desired business outcomes, and the data and information used in the planning and delivery of services, to underpin the applications and technology (current and future) required to support successful delivery of the criminal justice system.

Key strategic objectives include maximising the sustainability and inter-operability of any new ICT capability, using a commonly agreed set of principles and architecture (including application, information and data architecture); enabling whole-of-system data management to inform operational and policy decision making; and enabling cross government information sharing.

All agencies are currently progressing criminal justice IT reforms (see **Attachment 2a**) designed to improve efficiencies and modernize current infrastructure, including:

- DJAG is progressing a DJAG ICT Strategy to support a strategic approach to replacing legacy systems, information sharing, identity management, integration, and enabling digital service delivery.
- QCS is progressing a business case to develop a modern and flexible Offender Management System enabling QCS to evolve its services to meet the needs of government and the courts. This will provide for improved interoperability between QCS and other justice agencies enabling the ability to make decisions based on accurate offender and victim information.
- QPS is progressing a number of QPrime enhancements, as well as supporting IT reforms through the National Criminal Intelligence System, which will support improvements in officer safety by providing a national view of crime that can be presented to front line operations.
- DCSYW is commencing a four-year journey to implement a contemporary case management system for vulnerable children, young people and families.

Currently, the existing IT systems are constrained in their ability to support cross system reforms due to information sharing barriers, data quality, consistency and coverage issues, and limitations with compatibility of agency-specific information and data architectures.

Work on developing a whole-of-system ICT enterprise architecture would include:

- each agency identifying the extent to which their agency strategies contribute to CJSRF whole-of-system reform objectives.
- the identification of opportunities for enhancing the provision and sharing of information to inform improved decision making targeted at reducing demand on the system.

A report back on this scope of work will be provided at the next DG Steering Committee.

Background

This work will be led by the PMO, in collaboration with QGCIO and key criminal justice agencies, under the sponsorship of the Directors-General Steering Committee, and with oversight from the Deputy Directors General Digital & ICT Steering Committee.

The *Queensland Audit Office* has noted that Queensland's criminal justice system remains largely unintegrated and has recommended that the QPS, DJAG and Public Safety Business Agency collaborate with other relevant agencies to integrate criminal justice system information.

CRIMINAL JUSTICE SYSTEM REFORM FRAMEWORK (CJSRF) ICT ARCHITECTURE

The draft CJSRF workplan includes progressing development of a whole of system ICT enterprise architecture, collaboratively with criminal justice agencies, to achieve desired business outcomes, technical standardisation and integration across the criminal justice system. Key strategic objectives will be to maximise the sustainability and inter-operability of any new ICT capability using a commonly agreed set of principles and architecture (including application, information and data architecture); enabling whole of system data management to inform operational and policy decision making; and enabling cross government information sharing.

	DJAG ICT Strategy	QCS – DOME	QPS – QPRIME/ ACIC-NCIS	DCSYW & DYJ – Unify Program (previously ICMS Replacement)	DCSYW & DYJ – Our Child
Key Objectives	<p>The DJAG ICT Strategy (2018-2023) supports a strategic approach to replacing legacy systems, information sharing, identity management, integration and enabling digital service delivery. The Strategy was developed when QCS and YJ were a part of the DJAG. Machinery of Government changes complicate the adoption of consistent approaches, however, the DJAG intent remains the same.</p> <p>To December 2020, DJAG will establish and prove a set of foundational common ICT capabilities servicing civil justice, community justice and the criminal justice domains. The foundational capabilities, below, will enable business transformation in the future.</p> <ul style="list-style-type: none"> Information management and data, Integration platform, Online citizen service (portal), Cloud eDRMS, Identity, access and security, Business process management and workflow Service, customer and case management. <p>Outcomes from establishing these capabilities include:</p> <ul style="list-style-type: none"> Improved decision making resulting in better outcomes for community and individuals Improved workforce efficiency and productivity. Reduced risk related to legacy IT systems and environments. Reduced cost of systems, and More responsive service delivery 	<ul style="list-style-type: none"> Implementation of a modern and flexible Offender Management System (OMS) enabling QCS to evolve its services to meet the needs of government and the courts. Improved interoperability between QCS and other Queensland justice agencies enabling the ability to make decisions based on accurate offender and victim information. Improved security provision surrounding the storage and access of offender and victim information. Efficient flow of information within QCS and with external stakeholder enabling access to information when and where they need it. Improved business insights through improved storage and retrieval of information within the core OMS. Reduced manually intensive processes for offender learning management, logistics, catering and offender requests represent opportunities for improving efficiency of offender management. 	<p>QPRIME</p> <ul style="list-style-type: none"> Hybrid Cloud Implementation: - <ul style="list-style-type: none"> Increase resiliency, performance and reduce read only time for both Niche Core and BAU upgrades. Upgrade timings are significantly reduced and are more consistent compared to on-premise infrastructure. Strategic Alignment to QPS data lake and innovation opportunities Niche Core Upgrade: - <ul style="list-style-type: none"> Vendor driven, technical upgrade to retain currency within the core product. Foundation step in readiness for significant functional improvements including Universal App. Universal App – implementation of new User Interface to improve user experience, streamline data entry processes. <p>ACIC - NCIS</p> <ul style="list-style-type: none"> Front line services are as its key objective, the improvement of officer safety by providing a national view of crime that can be presented to front line operations. Tranche 1 will provide targeted, timely, relevant, prioritised national policing information. The information will be presented through a number of channels and on a range of partner devices and systems. 	<p>DCSYW has commenced a four-year journey to implement a new contemporary and coordinated case management system for vulnerable children, young people and families.</p> <p>The Unify Program has been established to deliver this new system to support current and future child safety and youth justice needs through adaptable technology that can support changes to practice as reform occurs over time.</p> <p>The program will be comprised of a series of joined up projects to provide new integrated and innovative legislation, practice and performance frameworks and business processes, enabled by technology and underpinned by a human-centred design approach.</p>	<p>In March 2019 DCSYW and partner agencies delivered on the Queensland Government's commitment to implement the Our Child system.</p> <p>In April 2019, DCSYW committed to working with partner agencies to expand the permitted use of the existing Our Child application to Youth Justice Court Coordinators and Case Workers.</p>
CBRC funding allocated	Exempt Sch.3(2)(1)(b) Cabinet considerations				
Current Status	<ul style="list-style-type: none"> The Program has commenced recruiting the core team The Program will request a further release of funding (held centrally) in August 2019 The Program has commenced high level requirements for market scan activities The Program is working with Queensland Corrective Services to ensure approaches to the market are done together wherever possible (e.g. expression of interest for cloud eDRMS). 	<p>Finalising conceptual solution architecture and implementation roadmap, confirming refactoring approach, costs and timeframes, as input into the refreshed investment decision business case.</p>	<p>QPRIME</p> <ul style="list-style-type: none"> Hybrid Cloud Implementation: - <ul style="list-style-type: none"> Pilot undertaken to prove technology and timings. Target cutover - early to mid-August for production to run primarily out of the cloud Niche Core Upgrade – project in progress. Implementation date targeting October 2019 Universal App – in pre-planning phase and undertaking discussions with the Vendor regarding scope and timings. <p>ACIC - NCIS</p> <ul style="list-style-type: none"> National Program is in planning / initiation phase. Agency specific Tranche Plans and Investment Proposals for funding have been requested by ACIC. 	<ul style="list-style-type: none"> Program establishment and awareness activities underway with key internal and external stakeholders. Significant procurement activity commenced for establishment of a standing offer arrangement. Development of foundational technology requirements for the future platform. Development of more robust exchange processes for student protection reports submitted to DCSYW by DOE. 	<ul style="list-style-type: none"> Youth Justice scenario modelling and technical feasibility has been confirmed and shared with Our Child stakeholders across DCSYW, DOE, QPS and OPG. An updated Master Sharing Agreement and information exchange schedule have been drafted and consultation with relevant agencies commenced. Additional mobile device requirements gathering and rollout options analysis completed.

Draft – not government policy

<p>Next Steps</p>	<ul style="list-style-type: none"> The Program will prepare for market scanning activities, which will inform the ITO/RFQ process for market engagement The Program will continue requirements gathering to determine Use Cases and Pilot cases for the identified priority capabilities (seven capabilities) in the first stage of implementation 	<ul style="list-style-type: none"> Undertake due diligence activity to confirm whether a commercial-off-the-shelf Offender Management Solution exists and is viable as a suitable fit for QCS requirements. Refresh the business case, investment logic map and benefits realisation plan for review by QGCI0 and confirmation of the investment decision by the DDG DICTSC. 	<p>QPRIME</p> <ul style="list-style-type: none"> Hybrid Cloud Implementation <ul style="list-style-type: none"> Finalising the build of the hybrid integration environment (non-production data) Non-functional (latency) testing of the integration environment Commencement build of our volume test environment to allow for full functional & non-functional testing cycles to be carried out progress work towards Go Live date – early to mid-August 2019 Niche Core Upgrade – continue scheduled work / progress project towards Go Live date (targeting) - October 2019 Universal App <ul style="list-style-type: none"> Assessment / analysis of work to undertaken, resourcing and funding to be considered. Continued discussions with the Vendor regarding scope and timings. <p>ACIC - NCIS</p> <ul style="list-style-type: none"> Engagement of Program Manager, preparation of Agency specific Tranche Plans and Investment Proposal for funding by end July 2019. 	<ul style="list-style-type: none"> Implementation of new information exchange processes for student protection reports submitted to DCSYW by DOE. Finalisation of standing offer arrangement for implementation services. Completion of initial technology platform establishment. Commencement of Stage 1, Tranche 1 product delivery. 	<ul style="list-style-type: none"> Engagement with DOE, QH and OPG to Finalise Master Sharing Agreement revision and Youth Justice Information Exchange Schedule with DOE, QH and OPG. Finalisation of communication materials and user reference guides for Youth Justice users. Provision of Our Child access to Youth Justice Court Coordinators and Case Workers.
<p>Cross Agency Implications</p>	<p>The DJAG ICT Strategy team will continue to collaborate with criminal justice partner agencies wherever the opportunity exists. DJAG and QCS are currently collaborating on a cloud based document storage solution. ICT designs and artefacts will be shared with other agencies wherever possible.</p> <p>Exploiting the capability to be established in the first (funded) 2 years of the DJAG ICT Strategy will require cross-agency initiatives with explicit purposes. DJAG would welcome guidance from the PMO on how to best exploit the enhanced data sharing capability to sustainably deliver maximum benefits across the sector.</p>	<ul style="list-style-type: none"> Integration points or gateways for Courts, Queensland Police Service and Queensland Health. DOME Program Board is being established with representatives from partner agencies. 	<p>QPRIME</p> <ul style="list-style-type: none"> Hybrid Cloud Implementation <ul style="list-style-type: none"> Nil expected due to the loosely coupled/abstracted architecture that the AIP provides to external agencies and internal systems. May seek to engage cross agency to run basic end to end test cases Niche Core Upgrade <ul style="list-style-type: none"> Unable to deliver additional functionality until core upgrade undertaken, which may impact cross agency timeframes. Engagement cross agencies to run basic end to end test cases <p>ACIC - NCIS</p> <ul style="list-style-type: none"> Significant work anticipated, which may impact capacity to deliver cross agency projects. 	<p>The Unify Program will work with a range of other agencies to strengthen the delivery of child safety and youth justice services within Queensland. This includes but is not limited to:</p> <ul style="list-style-type: none"> Department of Education Queensland Health Queensland Police Service Department of Youth Justice Non-government sector 	<p>Our Child sources data in real time from relevant systems within the following departments:</p> <ul style="list-style-type: none"> Department of Education Queensland Health Office of the Public Guardian Department of Child Safety, Youth and Women Department of Youth Justice <p>Information exchange is enabled through an appropriately approved Master Sharing Agreement and Information Exchange Schedule.</p>

Pages 10 through 36 redacted for the following reasons:

CTPI - Deliberative Process of Government

Released under RTI - DPC

PREMIER'S BRIEFING NOTE

Criminal Justice PMO

Tracking Folder No. TF/18/15353

Document No. DOC/18/205263

To: THE PREMIER
Date: 11 DEC 2018
Subject: Expansion of after-hours youth services in Townsville, in response to Major-Generals report.

Approved / Not Approved / Noted	
Premier/CoS:.....	<i>AS</i>
Date	<i>11/12/18</i> <i>Dst</i>
Date Action Required by: 11/12/2018	
Requested by:	
<i>(if appropriate)</i>	

• RECOMMENDATION

It is recommended that you **approve** funding of \$105 000 be drawn from the Safer Communities Fund, to expand the after hours youth services at the Lighthouse: Youth After Hours Diversionary Service from 17 December 2018 to 31 March 2019.

• KEY ISSUES

Townsville Major-General Report

- In response to the release of the Major-General's report on 10 December 2018, it is proposed that a response to recommendation 11 (expanding after hours youth services) be expedited, drawing on the Safer Communities Fund. This would involve expanding the capacity of Townsville Aboriginal and Islander Health Service's (TAIHS) Lighthouse: Youth After Hours Diversionary Service to respond to vulnerable young people over Christmas.
- The Lighthouse currently operates in Townsville from 6 pm to 10 am, seven days a week. The service provides after hours services and outreach programs, staffed by trained youth workers. It also provides food, transport and pro-social activities for young people.
- Youth Justice works closely with TAIHS to ensure service delivery is responsive to the needs of young people at high risk of offending. Young people may be dropped off by the Queensland Police Service or may also choose to voluntarily attend the service.
- The expanded service model (**Attachment 1**) would include:
 - o an additional coordinator (two days a week) to follow-up with clients, families and guardians (for consent, linking to support services)
 - o an outreach team (two people), who would work from 6 pm to 8 am, to assist with programs, extend the hours for transport, and provide outreach support.
- Funding of \$105 000 is required, for additional services from 17 December 2018 to 31 March 2019.
- TAIHS currently employs a pool of casual youth workers, who could be rostered on for additional hours from 17 December 2018, if the additional funding is approved.
- This initiative aligns with the core set of principles required for funding through the Safer Communities Fund, including undertaking an evidence-based approach, continuous improvement and culturally appropriate measures to address Aboriginal and Torres Strait Islander over-representation.
- A separate brief to approve funding was prepared for the Honourable Jackie Trad MP, Deputy Premier, Treasurer and Minister for Aboriginal and Torres Strait Islander Partnerships, and approved by the Deputy Premier on 11 December 2018 (**Attachment 2**).

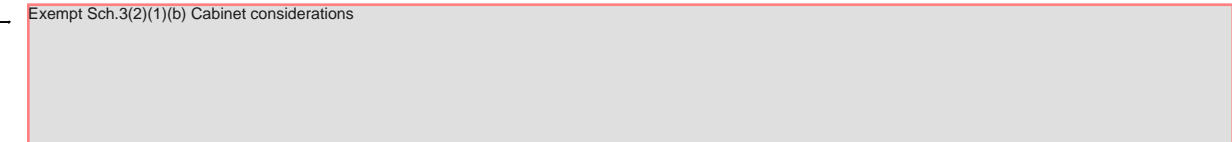
• CONSULTATION

- Department of Child Safety, Youth and Women; and Queensland Treasury.

• BACKGROUND

- The Townsville Champion's Report contains 23 recommendations.

- Exempt Sch.3(2)(1)(b) Cabinet considerations



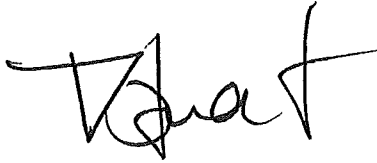
Action Officer: Emma Oglvie
Area: Program Management Office
Telephone:30039228

Approved by Christine Castley, Deputy Director-General
Criminal Justice PMO
Telephone: 300 39717 Approved on:

PREMIER'S BRIEFING NOTE
Criminal Justice PMO

Tracking Folder No. TF/18/15353
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- Funding of \$5 million over two and a half years has been sought through MYFER for a 'Safer Communities' funding package to support immediate initiatives targeted at reducing demand, for implementation in late 2018/early 2019. This includes specific high priority initiatives, including the Townsville Champion's Report.
- There been not been any public announcement about the Safer Communities Fund.



Dave Stewart
Director-General

Comments (Premier or DG)

Released under RTI - DPC

Action Officer: Emma Ogilvie
Area: Program Management Office
Telephone: 30039228

Approved by Christine Castley, Deputy Director-General
Criminal Justice PMO
Telephone: 300 39717 Approved on:

Attachment 1 - Proposal for Additional Investment: The Lighthouse: Youth After Hours Diversionary Service

Purpose

- To provide information to the Department of Child Safety, Youth and Women (DCSYW) around the need for additional investment in after hours youth services to The Lighthouse.
- It is acknowledged that DCSYW is looking at feasibility of further investment for the period 17 December 2018 to 31 March 2019, however the need as outlined below is ongoing, and figures are provided on a per annum basis.
- Townsville Aboriginal and Islander Health Service (TAIHS) currently employs a pool of casual youth workers, who could be rostered on for additional hours from 17 December 2018, if additional investment is approved.

Current Funding

- TAIHS is currently funded \$965 000 per annum to provide the after hours diversionary service at The Lighthouse.
- Originally, the contract did not include transport, as the original service agreement stated that the Queensland Police Service (QPS) would drop off the young people. However, the QPS were concerned that there was no legislative change which allowed them to pick up young people who had not offended and transport them to a service, so TAIHS agreed to take on the role of transportation within the existing budget which necessitated changes to the opening hours to accommodate costs (there were numerous options trialled prior to the current arrangements, including closure on some days).
- Additional funding received to date to cover the transport services: \$72 386 (28/3/18); \$180 000 (1/7/18) (total additional = \$252 386). This funding was to cover transport services for the first transport shift. The most recent additional funding of \$180 000 was surplus transferred from the Supervised Community Accommodation program.
- The per annum cost of providing this transport service – in excess of current funding levels and excluding the additional areas of need identified in this proposal – is \$255 000.

Client and Program Information

The Lighthouse is designed to support 10 to 16 year olds, irrespective of their circumstances or background, and who seek a safe place and a diversion from criminal activities.

The program is specific for young people who may:

- not have adequate adult supervision
- not feel safe at home and need a place to go
- be in trouble
- need someone to talk to.

Young people who attend are able to access meals, shower facilities and a bed for rest. Interactive supervised engagement activities such as sport, fitness and creative programs are included.

The centre provides support for disengaged youth and offers a safe place to form connections, including cultural connections.

Opening Times

The Lighthouse is open 6 pm to 8 am, seven nights per week. Staff start at 4 pm to organise the program and start pickups.

Programs run from 6 pm to about 9:30 pm. Once all young people are transported home staff do checks around Townsville, in parks, shopping centres or homes and offer young people a safe place to stay overnight or transport home if they locate anyone.

Staffing

Two staff at centre, 17:00–24:00 shift, and 24:00–8:00 shift

Two staff for transport, 16:00 – 23:00

Every Monday there is a whole-of-team meeting for two hours for professional development and catch up. However, this is not funded under the current contract, and costs the service \$44 000 (2 hours per week x 12.5 staff).

Transport

Young people are picked up from wherever they are; this is mostly home, parks or shopping centres.

There are no designated routes – transport is determined by which young people the service is targeting, although the service does try to group by suburb for pickups.

Young people self-refer daily to be able to come in for program, and are picked up wherever they are. The overwhelming majority of clients require transport (to date only one client has not required transport).

Areas of Need

- The current budget does not allow for the employment of a full-time coordinator. Given that the program ends at 8 am, there is a significant gap in terms of follow-up/ administrative support for the program. Client follow-up has been critical to the success of the program, and we are currently supporting this aspect of the service model by sharing a position with the TAIHS Youth Support Services. There is a strong need for a fully-funded position that can follow-up with clients, families and guardians (for consent, linking to Family Wellbeing and other services for support), follow-up with Child Safety/Youth Justice (particularly in light of the fact that the program ends at 8 am, before these offices open), coordinating programs (including arrangements with collaborating partners), etc. To make this position full-time, the service requests an additional 24 hours per week, at a cost of \$53 000
- Due to funding restrictions, transport services end at 11 pm. In addition, the number of young people that can access the program on any day is restricted by staffing numbers (for safety reasons). Therefore, there is need for an outreach team (ie. two people), who would work from 6 pm–2 am, who could assist with programs, extend the hours for transport, and provide outreach support in the community. The cost of this outreach team is \$260 000 (additional shift penalties have applied in calculating cost).

Budget for Additional Costs (12 month estimate)

Item	Cost
Lighthouse Coordinator (Day Shift): additional 24 hours to get to FTE	\$53 000
Outreach Team (2 staff members and transport costs)	\$260 000
Staff meeting (2 hours per week x 12.5 staff)	\$44 000
Total Additional Costs	\$357 000

NB: These costs are additional to existing funding levels of:

- Base amount - \$965 000
- Transport shift - \$255 000 (funded separately to existing contract)

Funding of \$105 000 would be required to cover the period from 17 December 2018 to 31 March 2019, to provide for the above additional staffing and program costs.

BRIEFING NOTE
Criminal Justice PMO

Tracking Folder No. TF/18/15353
Document No. DOC/18/205488

To: THE DEPUTY PREMIER
Date:
Subject: Expansion of after-hours youth services in Townsville, in response to Major-Generals report.

Approved / Not Approved / Noted
.....
Date/...../.....
Date Action Required by:/...../.....
Requested by: (if appropriate)

• RECOMMENDATION

It is recommended that you **approve** funding of \$105 000 from the Safer Communities Fund, to expand the afterhours service response of the *Lighthouse: Youth After Hours Diversionary Service* from 17 December 2018 to 31 March 2019.

• KEY ISSUES

Townsville Major General Report

- In response to the release of the Major-General's report on 10 December 2018, it is proposed that a response to recommendation 11 (expanding after-hours youth services) be expedited, drawing on the Safer Communities Fund. This would involve expanding the capacity of Townsville Aboriginal and Islander Health Service's (TAIHS) *Lighthouse: Youth After Hours Diversionary Service* to respond to vulnerable young people over Christmas.
- The Lighthouse currently operates in Townsville from 6pm to 10am, seven days a week. The service provides after hours services and outreach programs, staffed by trained youth workers. It also provides food, transport and pro-social activities for young people.
- Youth Justice works closely with TAIHS to ensure service delivery is responsive to the needs of young people at high risk of offending. Young people may be dropped off by Queensland Police Service or may also choose to voluntarily attend the service.
- The expanded service model (see attached) would include:
 - o An additional Coordinator (two days a week) to follow-up with clients, families and guardians (for consent, linking to support services)
 - o An outreach team (two people), who would work from 6pm-8am, to assist with programs, extend the hours for transport, and provide outreach support
- Funding of \$105 000 is required, for additional services from 17 December 2018 to 31 March 2019.
- TAIHS currently employs a pool of casual youth workers, who could be rostered on for additional hours from 17 December 2018, if the additional funding is approved.
- This initiative aligns with the core set of principles required for funding through the Safer Communities Fund, including undertaking an evidence-based approach, continuous improvement and culturally appropriate measures to address Aboriginal and Torres Strait Islander over-representation.

• CONSULTATION

- Department of Child Safety, Youth and Women and Queensland Treasury.

• BACKGROUND

- The Townsville Champion's report contains 23 recommendations, focused on the principles of prevention, intervention and rehabilitation.

Exempt Sch.3(2)(1)(b) Cabinet considerations

- Funding of \$5 million over two and a half years has been sought through MYFER for a 'Safer Communities' funding package to support immediate initiatives targeted at reducing demand, for implementation in late 2018/early 2019. This includes specific high priority initiatives, including the Townsville Champion's Report.
- There has not been any public announcement regarding the existence of the Safer Communities Fund.

Released under RTI - DPC

BRIEFING NOTE

Criminal Justice PMO

To: THE DEPUTY PREMIER
Date: 10 December 2018
Subject: Expansion of after-hours youth services in Townsville, in response to Major Generals report.

Tracking Folder No.

Document No.

Approved / Not Approved / Noted

Date 11/12/18

Date Action Required by:/...../.....

Requested by:
(if appropriate)

• RECOMMENDATION

It is recommended that you **approve** funding of \$105,000 from the Safer Communities Fund, to expand the afterhours service response of the *Lighthouse: Youth After Hours Diversionary Service* from 17 December 2018 to 31 March 2019.

KEY ISSUES

Townsville Major General Report

- In response to the release of the Major-General's report on 10 December, it is proposed that a response to recommendation 11 (expanding after-hours youth services) be expedited, drawing on the Safer Communities Fund. This would involve expanding the capacity of Townsville Aboriginal and Islander Health Service's (TAIHS) *Lighthouse: Youth After Hours Diversionary Service* to respond to vulnerable young people over Christmas.
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- This initiative aligns with the core set of principles required for funding through the Safer Communities Fund, including undertaking an evidence-based approach, continuous improvement and culturally appropriate measures to address Aboriginal and Torres Strait Islander over-representation.

• CONSULTATION

- Department of Child Safety, Youth and Women and Queensland Treasury.

• BACKGROUND

- The Townsville Champion's report contains 23 recommendations, focused on the principles of prevention, intervention and rehabilitation.

- Exempt Sch.3(2)(1)(b) Cabinet considerations

- Funding of \$5 million over two and a half years has been sought through MYFER for a 'Safer Communities' funding package to support immediate initiatives targeted at reducing demand, for implementation in late 2018/early 2019. This includes specific high priority initiatives, including the Townsville Champion's Report.
- There has not been any public announcement regarding the existence of the Safer Communities Fund.

Action Officer: Emma Ogilvie
Area: Program Management Office
Telephone: 300 39228

Approved by Christine Castley, Deputy Director-General
Criminal Justice PMO

Telephone: 300 39711 Approved on: 10 December 2018

PREMIER'S BRIEFING NOTE
Criminal Justice Program Management Office

Tracking Folder No. TF/18/15473
Document No. DOC/18/208586

To: THE PREMIER
Date: 21 JAN 2019
Subject: Criminal Justice System Reform
Communication and Engagement Strategy

Approved / Not Approved / Noted
By: Christine Castley
Premier / CEO
Date 31.10.19
Date Action Required by:/...../.....
Requested by:
(if appropriate)

• RECOMMENDATION

It is recommended that you **approve** the Criminal Justice System Reform Framework (CJSRF) Communication and Engagement Strategy (the Strategy) (**Attachment 1**).

• KEY ISSUES

- Exempt Sch.3(2)(1)(b) Cabinet considerations
- Exempt Sch.3(2)(1)(b) Cabinet considerations
- The Program Management Office has developed a draft Strategy (**Attachment 1**).
- The Strategy has three components:
 - o **Change management** – to embed CJSRF strategic reform approach into cross-agency policy development and decision-making processes, and on the ground service delivery to ensure ownership and sustainability of CJSRF initiatives at multiple levels and across multiple agencies.
 - o **Partnerships and innovation** – to mobilise innovative and dynamic approaches to criminal justice system policy development and service responses through partnerships across agencies and with the business sector, universities and non-government organisations.
 - o **Community engagement** – to ensure clear and consistent messaging around public-facing activities associated with the design, delivery and roll-out of initiatives (aligned with messaging from the Keeping Communities Safe program of work).
- The Strategy proposes a range of engagement approaches. These include leveraging existing regional governance networks and whole-of-Government forums to identify opportunities for demand reduction.
- Proposed activities and initiatives include:
 - o Agency frontline engagement in Townsville, Cairns, Rockhampton and Mt Isa, planned from December 2018 to February 2019 to facilitate front-line service provider input into place-based solutions and opportunities and encourage cross-agency collaborative approaches to address demand.
 - o A cross-agency forum to map the trajectories of offenders across the criminal justice and human services system, to inform policy and service delivery solutions.
 - o A Government and business stakeholders Ministerial forum focussed on resilient communities and targeting opportunities to bring about partnerships between the private sector and Government to reduce offending.
- All activity under the Strategy will be closely coordinated and, where appropriate, integrated with other forums/activities currently occurring across Government (particularly through the Keeping Communities Safe initiative, the Productivity Commission Inquiry and the Sentencing Advisory Council).

Action Officer: Emma Ogilvie
Area: Program Management Office
Telephone: 30039228

Approved by Christine Castley, Deputy Director-General
Criminal Justice PMO
Telephone: 300 39717 Approved on:

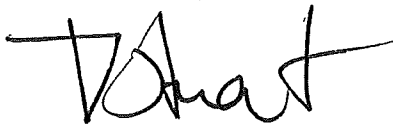
PREMIER'S BRIEFING NOTE
Criminal Justice Program Management Office

Tracking Folder No. TF/18/15473
Document No. DOC/18/208586

Exempt Sch.3(2)(1)(b) Cabinet considerations

• **BACKGROUND**

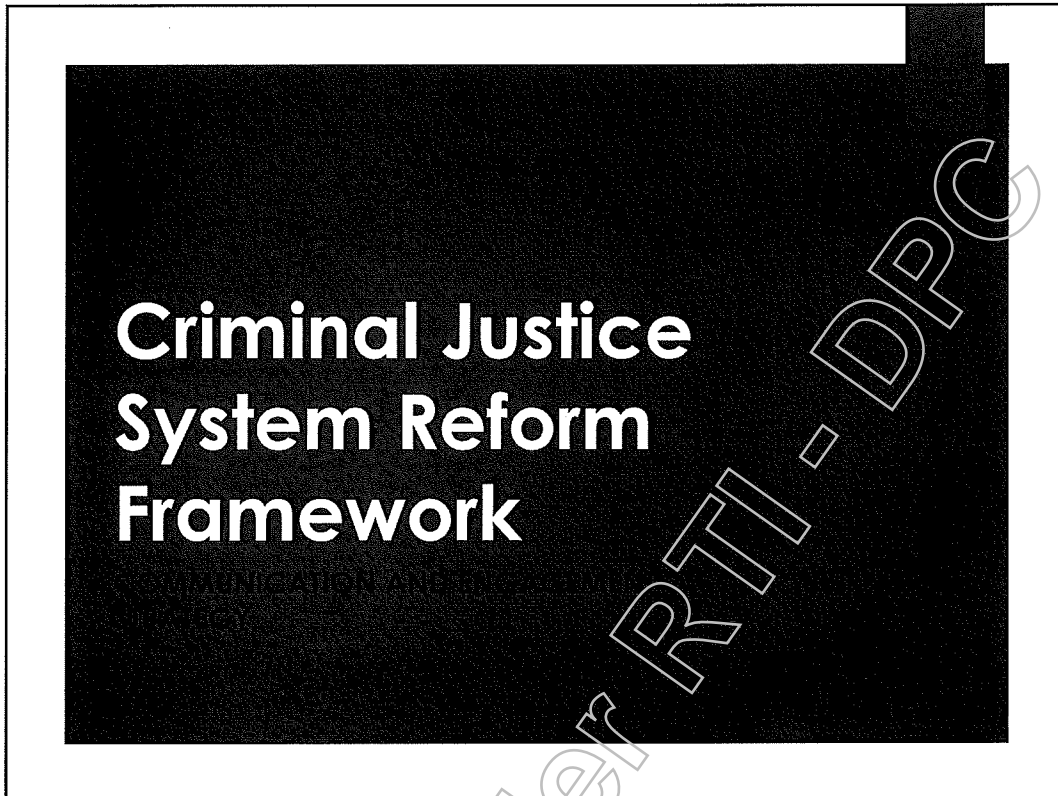
Exempt Sch.3(2)(1)(b) Cabinet considerations



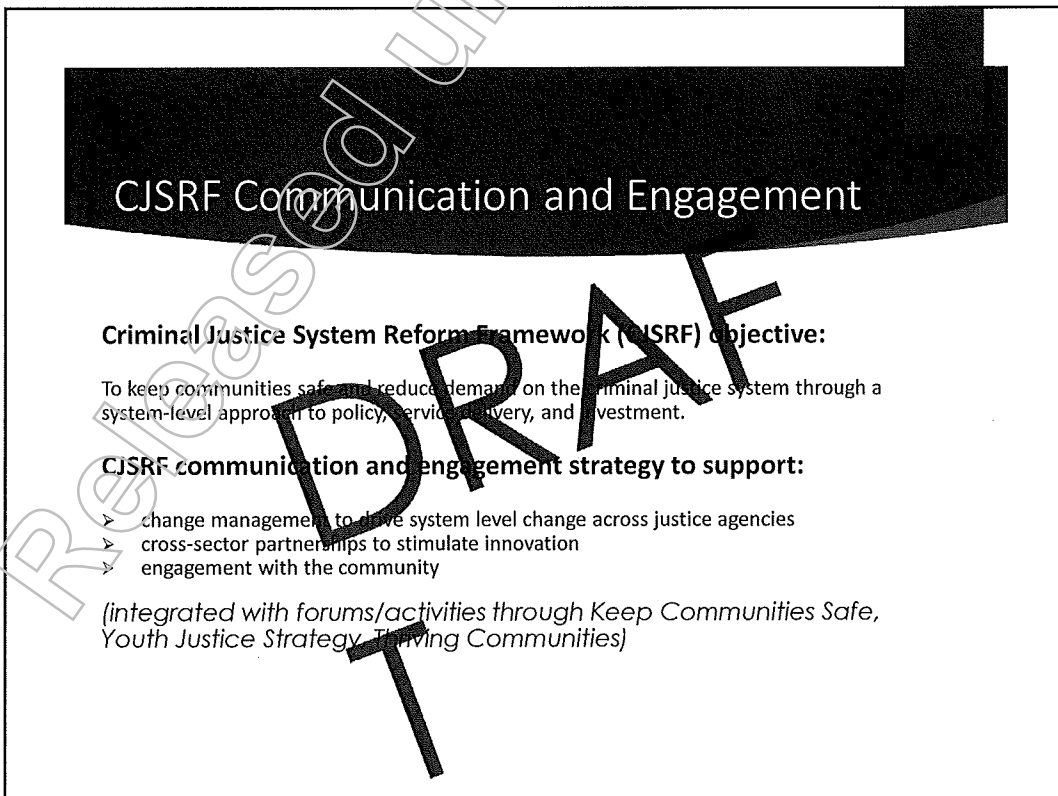
Dave Stewart
Director-General

Comments (Premier or DG)

Released under RTI - DPC



1



2



3

Released under RPS/DPC

PREMIER'S BRIEFING NOTE

Criminal Justice PMO

Tracking Folder No. TF/19/939

Document No. DOC/19/12585

To: **THE PREMIER**
Date: **31 JAN 2019**
Subject: **Draft Queensland Productivity Commission
Summary Report: Inquiry into Imprisonment
and Recidivism**

Approved / Not Approved / (Noted)
by adviser
Premier / CoS.....
Date *20 Jan 19*
Date Action Required by:/...../.....
Requested by:
(if appropriate)

• RECOMMENDATION

It is recommended that you **note** the key findings and recommendations to be provided through the draft Queensland Productivity Commission (QPC) *Summary Report: Inquiry into Imprisonment and Recidivism (Attachment 1)*.

• KEY ISSUES

- QPC has provided an embargoed copy of its Summary Report (the Report), which will be publicly released on 1 February 2019. The Report notes that:
 - o Despite declining crime rates, the imprisonment of Queenslanders is escalating. The rate of imprisonment is not being driven by increased offending, but rather is a consequence of behavioural, policy and system changes.
 - o If the current rate of growth persists, Queensland will require an additional 4600 to 5800 additional prison cells by 2025, necessitating around \$5 to \$6.5 billion in infrastructure expenditure alone.
 - o Every month over 1000 prisoners are released back into the community with limited access to rehabilitation or reintegration support. Within two years over 50 per cent of these prisoners will be back in prison or under community supervision.
- The Report makes 18 recommendations across four priority areas, these being:
 - o Adopt more effective ways to deal with offending (redefine some types of offences, victim restitution/restoration, increase non-prison sentence options)
 - o Break the cycle of reoffending (better rehabilitation and reintegration)
 - o Reduce interactions with the criminal justice system (early intervention and prevention, diversions and cautions, more effective throughcare models)
 - o Build a better decision-making architecture (establish a separate justice reform office to coordinate decision-making across the criminal justice system)
- Many of QPC recommendations are directly complementary to the Government's *Advancing Queensland Priorities*, most particularly the focus on better responding to victims through the *Keep Communities Safe* roadmap.
- In addition, many of the recommendations are currently being explored by the Program Management Office delivering on the Criminal Justice System Reform Framework, including encouraging more efficient use of diversion and cautioning.
- QPC will engage with stakeholders, including government agencies, on the recommendations in the interim report. Development of a whole-of-Government response to the interim report is not proposed. A response will be developed following release of the final report in August 2019.

Action Officer: Emma Ogilvie
Area: Criminal Justice PMO
Telephone: 300 39228

Approved by Christine Castley, Deputy Director-General
Criminal Justice PMO
Telephone: 300 39747
Approved on: 30/01/19

PREMIER'S BRIEFING NOTE

Criminal Justice PMO

Tracking Folder No. TF/19/939

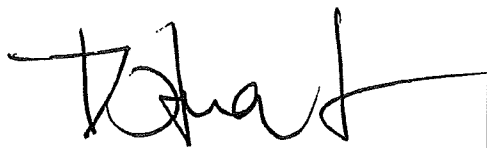
Document No. DOC/19/12585

• **ELECTION / CABINET / PUBLIC COMMITMENTS**

- On 6 September 2018, the Deputy Premier, Treasurer and Minister for Aboriginal and Torres Strait Islander Partnerships, the Honourable Jackie Trad MP, commissioned the QPC Inquiry.

• **BACKGROUND**

- QPC released an issues paper on the Inquiry in October 2018 and is required to produce a draft report by 1 February 2019.
- A Hot Issues Brief for the Premier has been prepared (**Attachment 2**).



Dave Stewart
Director-General

Comments (Premier or DG)

Released under RTI - DPC

Embargo Copy

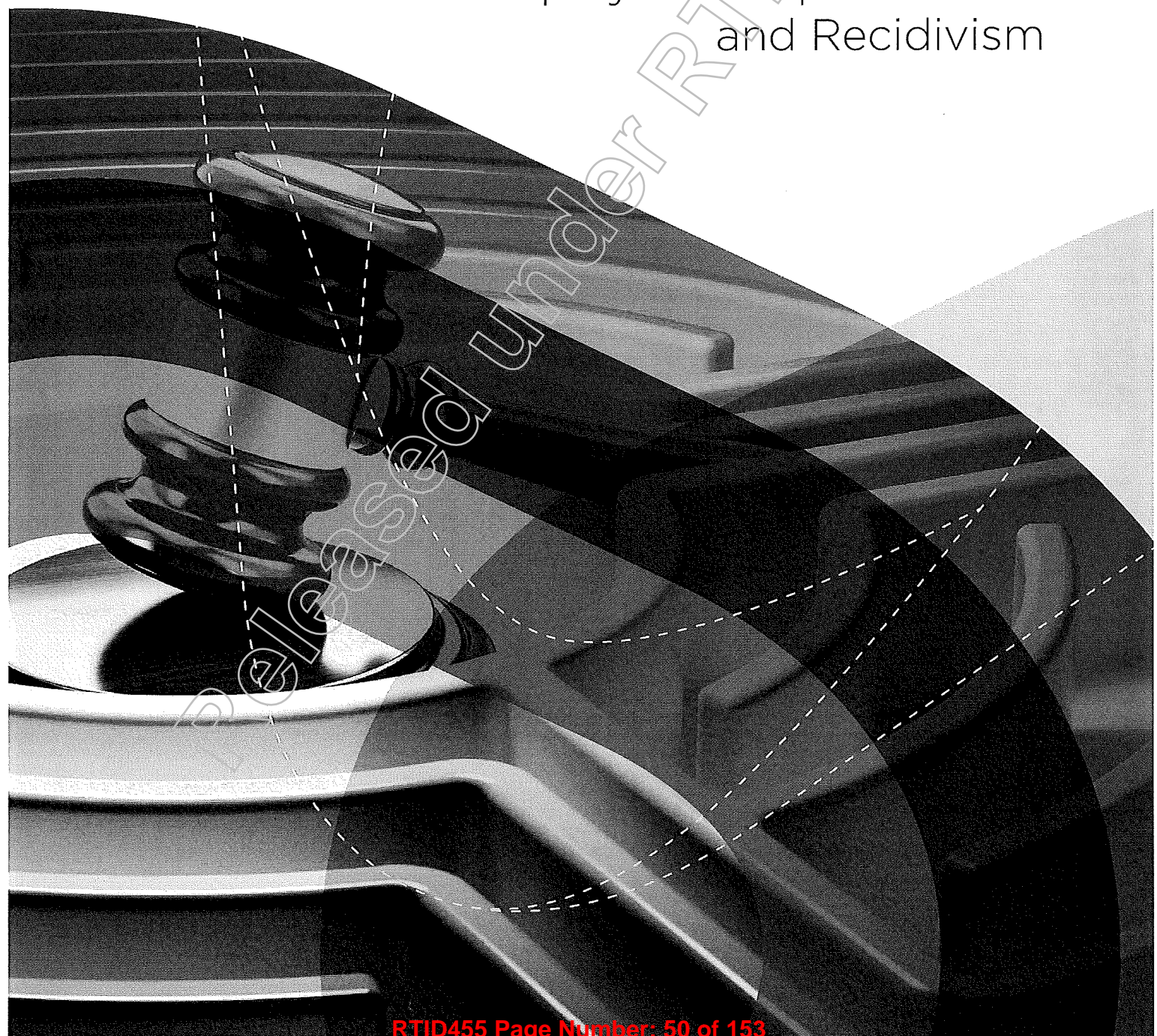
Not for publication, distribution or
citation



FEBRUARY 2019

SUMMARY REPORT

Inquiry into Imprisonment
and Recidivism



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Foreword

In September 2018, the Queensland Government directed the Queensland Productivity Commission to undertake an inquiry into imprisonment and recidivism. This report summarises our early findings and nominates areas where further information is sought.

Despite declining crime rates, the imprisonment of Queenslanders is escalating. Concerning trends include the growth in the rate of imprisonment of women, which doubled the rate of men over the last ten years, and the significant and growing over-representation of Aboriginal and Torres Strait Islanders. These matters are not unique to Queensland and reflect wider Australian and international trends.

In direct financial terms, imprisonment costs the Queensland community almost a billion dollars every year. Its social costs, although harder to measure, are much greater. Incarceration has profound impacts on prisoners, their families and the community—loss of employment, housing, relationships, as well as mental health problems and potential criminogenic effects—all of which increase the risk of reoffending.

In this report, we ask whether community safety is best served by continuing the current approach. Is there a case for some crimes to be punished with non-custodial options? Could better outcomes be achieved with greater attention to rehabilitation and reintegration? Would some offences be better treated as medical issues than criminal offences? Should victims be empowered by building in restitution and restoration options? Early indications are that the community may actually be made safer by reforming current practices, and we are seeking further information to allow us to complete the inquiry.

This report reflects the contributions of over 400 stakeholders, representing a broad cross-section of Queenslanders—government agencies, victim peak bodies, prisoner advocates, unions, the judiciary, corrections officers, prisoners, Indigenous peak bodies, and academics. We applaud the willingness of stakeholders to seek better outcomes for victims, offenders, and the community.

Finally, we would like to thank the staff of the Commission for their commitment and professionalism in the preparation of this material.

Kim Wood
Principal Commissioner
(Presiding Commissioner)

Bronwyn Fredericks
Commissioner

February 2019

Imprisonment and recidivism: Have your say

The Treasurer has directed the Queensland Productivity Commission (the Commission) to undertake an inquiry into imprisonment and recidivism in Queensland.

This draft report provides an opportunity for consultation on the issues raised by the inquiry—and, in particular, on our preliminary analysis, findings and recommendations.

The final report will be prepared after further consultation and will be provided to the Queensland Government in August.

Make a submission

The Commission invites all interested parties to make a submission on the draft report.

Submissions are due by close of business 17 April 2019. They can be lodged online or via post:

Imprisonment and recidivism inquiry
 Queensland Productivity Commission
 PO Box 12112
 George St QLD 4003

Submissions are treated as public documents and are published on the Commission's website. If your submission contains genuinely confidential information, please provide the confidential material in a clearly marked separate attachment.

Contacts

Enquiries regarding this project can be made by telephone (07) 3015 5111 or online at www.qpc.qld.gov.au/contact-us

Key dates

Issues paper released
13 September 2018

Initial consultation
September–October 2018

Draft report released
1 February 2019

Submissions due
17 April 2019

Final report submitted to the Queensland Government
1 August 2019

The Queensland Productivity Commission is an independent statutory body that provides policy advice on complex economic and regulatory issues.

The Commission has an advisory role and operates independently from the Queensland Government—its views, findings and recommendations are based on its own analysis and judgments.

Further information on the Commission and its functions can be obtained from the Commission's website www.qpc.qld.gov.au

Key points

- The rate of imprisonment in Queensland—the number of prisoners per head of population—has increased by 44 per cent between 2012 and 2018.
 - This increase is being driven by behavioural, policy and system changes, not underlying rates of crime, which have been falling steadily for the last 20 years.
 - The median prison term is short (3.9 months) and most (65 per cent) are for non-violent offences.
- Imprisonment is expensive:
 - It costs around \$107,000 to accommodate a prisoner for a year.
 - Imprisonment also has indirect costs on prisoners, their families and communities. These costs are difficult to estimate, but they could be around \$40,000 per prisoner per year.
 - At the current rate of growth, Queensland will require an additional 4,600 to 5,800 additional prison cells by 2025—this will require around \$5 to 6.5 billion in infrastructure costs alone.
- Imprisonment benefits the community where it incapacitates and deters offenders, particularly where it prevents high harm offences. However, preliminary analysis suggests that:
 - for a material portion of Queensland’s prison population, the costs of imprisonment outweigh the benefits to the community
 - for a further portion, lower cost alternatives would provide greater benefits to the community.
- Every month over 1,000 prisoners are released back into the community. Many receive limited rehabilitation or support to reintegrate. Over 50 per cent will be back in prison or under community supervision within two years.
- There are no easy policy solutions. Options that will have a meaningful impact on the prison population will require significant and politically challenging changes to the way things are done. Four priority areas for reform are most likely to improve outcomes for the community.

1. Adopt more effective ways to deal with offending

- Redefine offences currently classified as crimes where the costs of criminalisation outweigh the benefits (possible offences include some regulatory, illicit drug and public nuisance offences).
- Establish a victim restitution and restoration process.
- Increase non-prison sentencing options, including home detention, monetary penalties and community-based orders, and remove unnecessary restrictions on these options.

2. Break the cycle of reoffending

- Reconfigure rehabilitation and reintegration through an effective service delivery model of throughcare. Remove regulatory and other barriers to reintegration and employment.

3. Reduce interactions with the criminal justice system

- Increase diversionary options, including cautions.
- Fill the gaps in prevention and early intervention.

4. Build a better decision-making architecture

- Change the way funding and policy decisions are made, by establishing a separate justice reform office that is accountable for criminal justice system outcomes.

1 What is the inquiry about?

Across Australia and other developed countries, governments are contending with rising imprisonment and high levels of recidivism. In Queensland, the *number* of people in prisons has risen by around 58 per cent between 2012 and 2018. The *rate* of imprisonment—the number of prisoners per head of population—increased by 44 per cent. Infrastructure has not kept up with this growth, with prisons currently holding around 37 per cent more prisoners than they are designed to hold.

More than half of prisoners reoffend and are given a new sentence of imprisonment or community supervision within two years of their release. The rate of imprisonment for Aboriginal and Torres Strait Islander people continues to outstrip the rate for the rest of the population, and imprisonment rates for women have been increasing faster than for men.

The growth in prisoner numbers has significant social and economic implications for the Queensland community, affected individuals and their families, and the Queensland Government.

In September 2018, the Queensland Government asked the Commission to undertake an inquiry into imprisonment and recidivism in Queensland. The terms of reference for this inquiry ask us to examine how government resources and policies can be best used to reduce imprisonment and recidivism and improve outcomes for the community over the medium to longer term.

The terms of reference ask us to consider:

- trends in imprisonment and recidivism and the causal factors underlying these trends
- factors affecting imprisonment for Aboriginal and Torres Strait Islander people, women and young people
- the benefits and costs of imprisonment, including its social effects, financial costs and effectiveness in reducing/preventing crime
- the effectiveness of programs and services in Australia and overseas to reduce the number of people in prison and returning to prison, including prevention and early intervention approaches, non-imprisonment sentencing options, and the rehabilitation and reintegration of prisoners
- the efficacy of adopting an investment approach, whereby investments in prevention, early intervention and rehabilitation deliver benefits and savings over the longer term.

The terms of reference require that our recommendations are consistent with the Queensland Government Policy on the Contracting-out of Services, which states that there will be no contracting-out of services currently provided by the Queensland Government unless it can be clearly demonstrated to be in the public interest.

Our approach

There are many factors that influence imprisonment and recidivism. The scope of this inquiry therefore encompasses a broad set of issues and areas—from early intervention to post-prison support (Figure 1).

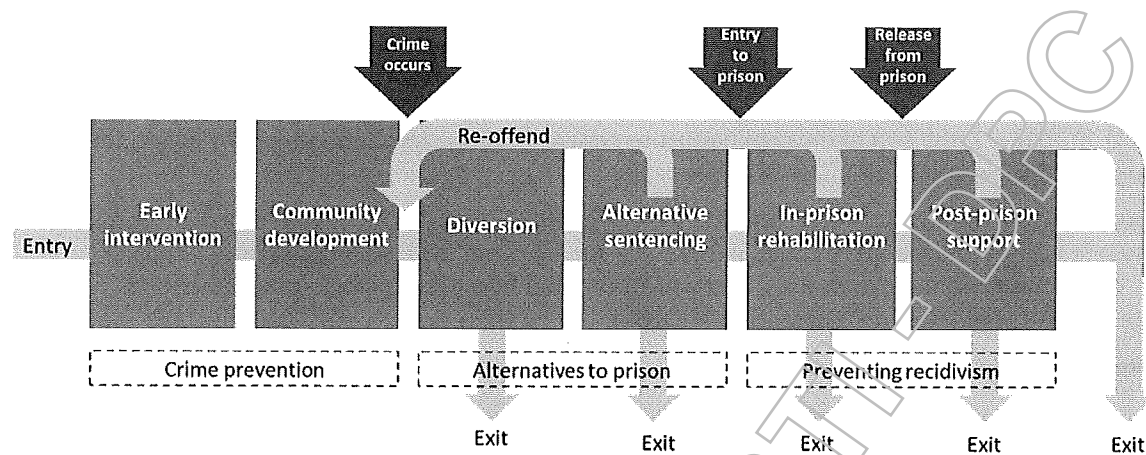
Our approach to this inquiry reflects that there have been at least 10 major reviews looking at aspects of the criminal justice system in Queensland over the last decade. Many of their recommendations are still being implemented. The Commission has built on, rather than revisit, the issues covered by these reviews.

As this is a forward-looking inquiry, we have not assessed the extent to which additional prison infrastructure is required to address current levels of overcrowding, nor have we conducted an operational review of each element of the criminal justice system. Rather, we have focused on policy areas where change is most likely to provide the largest benefits for the community.

The inquiry is predominantly concerned with the adult corrections system. In this context, the Commission has considered the youth justice system as an important pathway into the adult corrections system. Further, the Queensland Government has only just completed its Youth Justice Strategy for 2019–23 following the 2018

Report on Youth Justice (the Atkinson report). For this reason, the Commission has not conducted a review of the youth justice system for this draft report.

Figure 1 The scope of the inquiry



This draft report represents the first stage of the inquiry. It presents initial findings and recommendations based on the evidence received so far.

To prepare this draft report, we released an issues paper (September 2018) and consulted with more than 400 stakeholders through:

- public forums in Brisbane, Townsville, Cairns and Rockhampton
- individual meetings with a wide range of stakeholders including the judiciary, unions, legal advocates, peak bodies, Indigenous and non-Indigenous advocacy groups, service providers, academics and government
- visits to drug and Murri courts
- site visits to four correction centres.

We also received 43 written submissions, which have been incorporated in our analysis.

The policy areas under consideration for this inquiry are complex and controversial, and the evidence is not always clear or settled. For some areas, the Commission is still analysing the evidence to understand why imprisonment levels in Queensland have been rising, particularly for women and Aboriginal and Torres Strait Islander peoples. The Commission is also yet to fully analyse the costs and benefits of potential reform options.

As a result, the analysis in this report should be considered as preliminary—the purpose of this draft report is to seek further comment on the findings and recommendations. The Commission intends to release supporting papers for consultation during 2019, which will examine trends in imprisonment and recidivism. Following a second round of consultation, we will develop final findings and recommendations and deliver a final report to the Queensland Government by 1 August 2019.

The Queensland system

Several institutions make up the Queensland criminal justice system, including law enforcement agencies; courts; agencies responsible for detaining, supervising and rehabilitating offenders (including prisons); a range of advocacy and oversight bodies; and agencies involved in prevention and intervention.

There are over 11,000 sworn police officers, over 200,000 criminal lodgements dealt with by the courts each year and around 9,000 prisoners managed in custody (11 high security prisons, 6 low security prisons, and 13 work camps). In 2016–17, the cost of the criminal justice system in Queensland represented by police, the courts and corrections was \$3.6 billion, or \$728 per capita.

Prisons have a key role (Figure 2). As established in the *Corrective Services Act 2006*, their purpose is to keep the community safe by preventing crime through the humane containment, supervision and rehabilitation of offenders. When making sentencing choices, courts must consider how prisons deter, incapacitate and rehabilitate offenders (*Penalties and Sentencing Act 1992*).

Figure 2 Role of prisons



A wide range of programs and activities aim to reduce crime. These include policing effort to better detect and deter crime, strategies to encourage reporting and enforcement of offences (such as domestic and sexual violence) and broader whole-of-government efforts to address the underlying causal factors that drive offending behaviour.

A new system of alternative justice procedures to address offending behaviours is emerging within the court system—examples include the Drug and Alcohol and Murri Courts. Also, there is a stronger focus on rehabilitation in corrections—for example, the recently opened Borallon Training and Correctional Centre provides a new approach to prison rehabilitation. Box 1 provides a small sample of policies and programs in Queensland.

Box 1 A sample of policies and programs in Queensland

Borallon Training and Corrections Centre

The Borallon Training and Corrections Centre is Queensland's first dedicated training prison with an emphasis on education and employment outcomes. It opened in 2016 as a training facility where prisoners are encouraged to 'earn and learn'.

As of June 2018, nearly half of the 387 prisoners were employed in prison industries. Borallon has partnered with TAFE Queensland South West to develop and provide this training with an onsite campus, teachers and IT services. It offers courses such as horticulture, engineering, welding, automotive, construction and tertiary education. Other programs at the centre include mental health services and psychological interventions to support transitioning back into the community.

The prison is taking a positive approach to rehabilitation and transformation of prisoners; however, a formal evaluation is yet to be completed.

Project Booyah

Project Booyah is a program for at-risk 15- to 17-year-old children. It seeks to re-engage children with their family, community and the education system to reduce their risk of offending. The 17-week program focuses on vocational pathways, employability skillsets, and adventure-based activities to build confidence, self-worth and resilience.

Since 2016, a total of 345 people were accepted into the program, with 83 per cent successfully graduating, 82 per cent obtaining a Certificate I or II in Hospitality, 70 per cent becoming re-engaged in education, 25 per cent gaining employment and 33 per cent starting further vocational training or pathways.

A review found that the project reduced recidivism by 62.5 per cent over the three years. Victimization by participants also fell by 84 per cent post program (Queensland Government sub. 43, p. 60).

Drug and Alcohol Court

Queensland has re-established a Drug and Alcohol Court to divert offenders with substance-abuse-related offences away from prison. The Court provides an intensive program to address offender's dependencies and criminal thinking. It aims to improve public safety by rehabilitating offenders so that they can reintegrate into the community as productive members of society. The Court does this through regular random drug testing, regular court appearances to ensure they stay on track, and incentives to encourage offenders to engage with treatment.

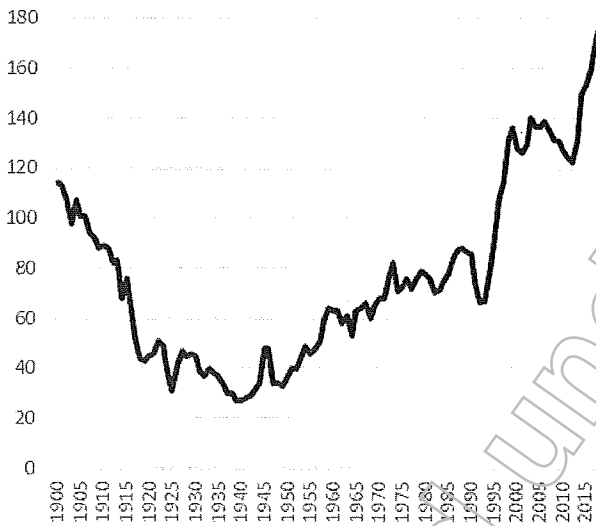
Evaluations of the former Queensland drug court, and drug courts in New South Wales, Victoria and international jurisdictions, have demonstrated a reduced likelihood that participants will reoffend, as well as improved social stability, housing and employment outcomes. The Queensland Government undertook a review to ensure the drug court was evidence-based and cost-effective prior to its implementation. The court is scheduled for evaluation (Queensland Courts 2018).

2 Imprisonment: a growing policy problem

Imprisonment rates are increasing, despite falling rates of crime

Imprisonment is growing much faster than population—the rate of imprisonment in Queensland is currently higher than at any time since 1900. The prison population grew rapidly during two periods. From 1992 to 1999, the rate of imprisonment roughly doubled. It increased rapidly again from 2012 to the present—growing by 44 per cent.

Figure 3 Queensland adult imprisonment per 100,000 population



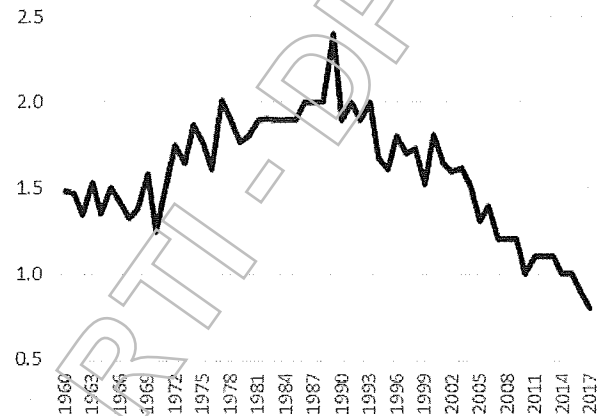
Source: ABS 2018c, 2018a; OESR 2009

Similar trends are occurring in the rest of Australia.

Measuring changes in underlying crime rates is challenging, because the rate at which crimes are reported change over time. This may reflect changing community attitudes—for example, in relation to domestic and sexual violence—but can also reflect changes in policing effort or focus.

Over the longer term, the most reliable indicator of crime levels are homicide rates (since most cases are reported). While homicide rates increased slightly during the 1970s, they have declined about two-thirds from their peak in the 1980s.

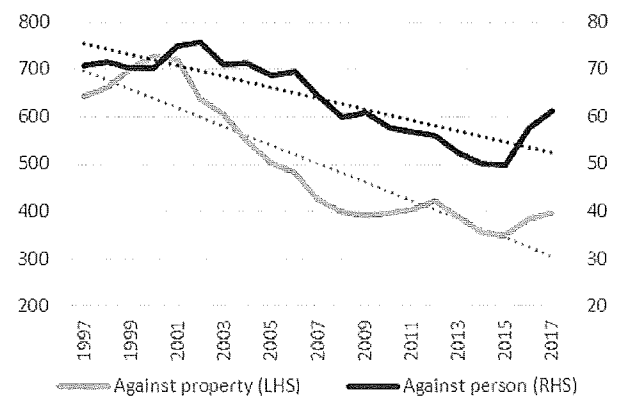
Figure 4 Australian homicide rate per 100,000 population



Source: ABS 2018c; Bricknell 2008; Neill & Leigh 2008.

Queensland data suggest a similar trend. Reported crime rates have trended downward for the past two decades. Moreover, analysis suggests that the more harmful crimes have fallen faster than less serious crimes.

Figure 5 Reported offence rate per 100,000 population, Queensland



Note: The increase in reported offences against the person from 2015 appears to be due to additional reporting and policing (largely of domestic and family violence) rather than an increase in the underlying crime rates.

Source: QPS 2018.

Reporting and policing of crime has increased significantly—implying that the underlying crime rates have fallen by more than the reported rates shown in Figure 5.

Despite the decline in underlying crime rates, surveys show that most Australians believe that crime is increasing (Box 2).

Box 2 Do public perceptions match the reality?

Crime is one of the key concerns for people in the community. This is for good reason. Victims of serious offences can suffer trauma that severely reduces their quality of life. For others, fear of crime can limit their participation in the community.

While Australians' perception of safety has improved on some measures¹, most Australians believe that crime rates have increased over the last few years, and about a third believe that crime has increased a lot.² This is similar in other countries, where people commonly believe crime rates are rising, when in fact the opposite is occurring.³

In a similar vein, it is often reported that community members feel the judiciary is 'out of touch' or that sentences are too lenient and inconsistent. However, research shows that when given the full facts about a case, members of the public typically choose sentences that are on par with or more lenient than the sentence actually imposed.

Public anxiety about crime is what drives state government investment in law enforcement. It is this investment, not underlying trends in crime, which has played the dominant role in shaping demand for criminal justice resources over the last ten years. (Weatherburn 1993)

1. For example, in 1996 females were almost twice as likely to avoid public transport and one and half times less likely to walk home alone after dark than they are today. ABS 2017, *Personal Safety, Australia, Catalogue no. 4906.0*.

2. Essential Research 2018, *The Essential Report*, 16 January 2018.

3. Davis, B & Dossetor, K 2010, *(Mis)perceptions of Crime in Australia, Trends & Issues in Crime and Criminal Justice*, no. 396, July, Australian Institute of Criminology.

Rising imprisonment rates are driven by policy changes, not crime rates

The Commission is yet to develop a complete picture of the reasons for the increase in the rate of imprisonment. Nonetheless, it appears that the key reasons are:

- increased reporting of crime—the reporting rate for physical assault increased 41 per cent between 2008–09 and 2016–17
- an increase in the use of prison sentences over other options—the proportion of sentences involving prison has risen for both violent and non-violent offences
- an increase in recidivism rates—the proportion of prisoners returning to prison with a new sentence within two years increased from 29 per cent in 2006–07 to 40 per cent in 2016–17
- an increase in policing effort—clearance rates for reported offences against the person and offences against property have increased since 2008–09
- an increased propensity for police to use court action—the proportion of offences (other than public order) dealt with through court action increased from 83.7 per cent to 87.5 per cent between 2008–09 and 2016–17, with police less likely to use non-court options such as cautions, conferencing and penalty notices
- a significant increase in the proportion of unsentenced (remanded) prisoners in the last five years—while difficult to measure, this appears to have resulted in a sizeable number of prisoners serving longer time in prison than they otherwise would have.

Changes in sentence lengths have had little impact on imprisonment rates.

Figure 6 Key drivers of the rising rates of imprisonment



Increasing imprisonment can make the community less safe

At a general level, prisons do reduce crime. While an offender is in prison, they are unable to commit further offences. Prison can also deter others from offending and can deter prisoners from reoffending.

However, there are diminishing returns from the use of imprisonment—that is, the additional benefit (through a reduction in crime) declines as more people are imprisoned.

Research from the United States has demonstrated that at some point increased use of prison can result in more crime.

This occurs because prisons can have criminogenic effects on individuals and the communities they come from (Box 3).

Prison disconnects individuals from communities, jobs and housing, and can even train them to be better criminals. This can turn low-harm offenders into more serious offenders.

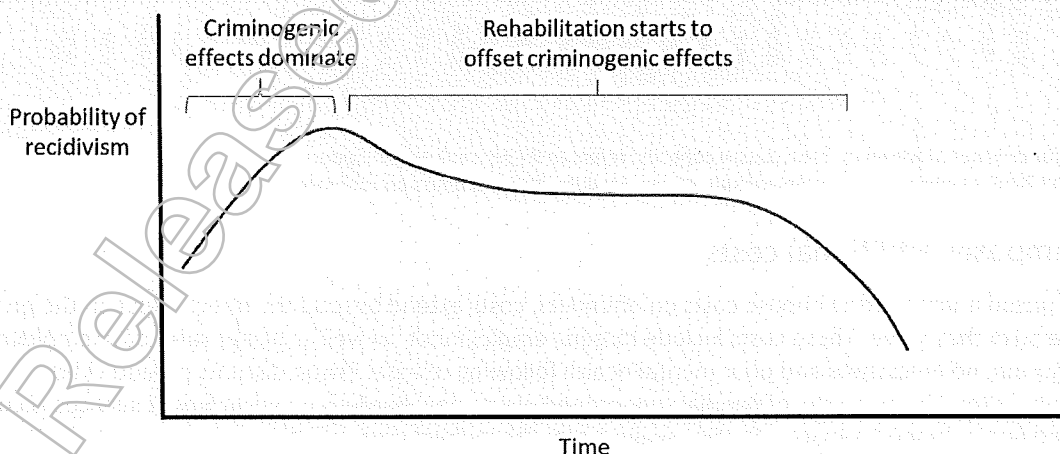
For communities with very high imprisonment rates, the removal of individuals can undermine social cohesion, and if parents are removed from children, it can result in intergenerational problems. These problems are evident in some Indigenous communities, where violent crime remains stubbornly high, despite high levels of incarceration.

Box 3 Do prisons make reoffending more likely?

While prisons may keep the community safe during the time a prisoner is incapacitated, it is important to consider what happens after prisoners exit from prison, and the extent to which prison rehabilitates or criminalises prisoners. For example, if prisons turn prisoners into more effective criminals, prisons may make the community less safe over time.

The relationship between imprisonment, rehabilitation and the criminogenic effects of prison is poorly understood and likely to vary considerably depending on the prison environment, including the level of overcrowding. Nevertheless, research suggests that during the first year of a prison term the criminogenic effects of prison override any benefits arising from rehabilitation or from deterring the prisoner from offending again (Figure 7).

Figure 7 Possible effects of sentence length and recidivism



Source: Adapted from Mears, D, Cochran, J, Bales, W & Bhati, A 2016, 'Recidivism and time served in prison', *Journal of Criminal Law and Criminology*, vol. 106, no. 1, pp. 81–122.

The costs of imprisonment are high

Imprisonment is costly, and this cost is borne by the community

On average, it costs \$107,000 to keep an adult in prison for a year.¹ In 2016–17, the total cost of running Queensland's prisons was \$872 million.

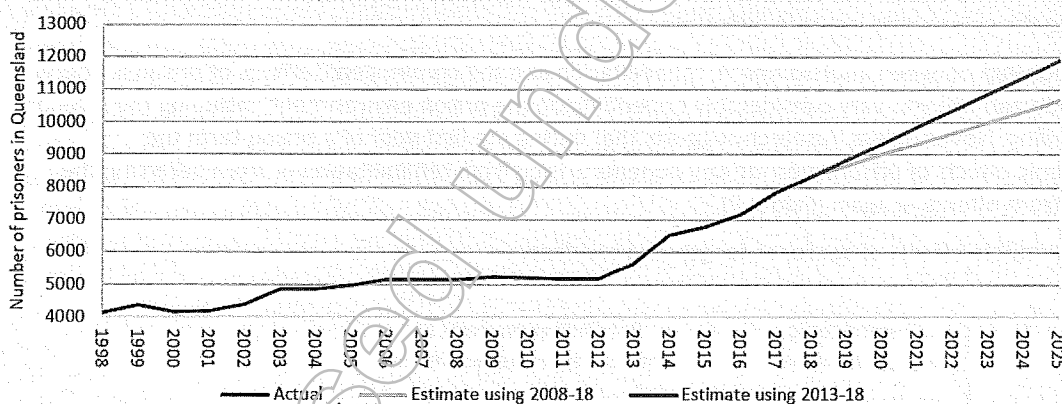
These costs are increasing. From 2011–12 to 2016–17, real net operating expenditures increased by around 22 per cent, significantly faster than general government expenditures.

Queensland prisons are overcrowded—across all prisons, capacity is currently at 130 per cent. Without efforts to reduce demand, a significant expansion of capacity will be required (Box 4).

Box 4 The cost of housing Queensland's growing prison population

Queensland's prison population is growing rapidly, increasing from 6,079 to 9,021 in the past five years. In September 2018, the number of prisoners exceeded the design capacity^a of all high security prisons by 37.3 per cent, or 2,264 prisoners. Increasing capacity to meet this shortfall would cost around \$2.5 billion.

If current trends continue, by 2020 the high security prison population will exceed capacity by between 2,900 and 3,300 prisoners. The construction of additional infrastructure to house these prisoners, and to address existing shortfalls, is projected to cost approximately \$3.5 billion. By 2025, the high security prison population could exceed current capacity by between 4,600 and 5,800 prisoners, costing the government a total of \$5.2 billion to \$6.5 billion in infrastructure costs alone.



a To allow for prisoner movement, 'total design capacity' refers to 95 per cent cell occupancy.

Sources: ABS 2018; Queensland Government sub. 43, pp 72; Iliffe 2011; Commission estimates.

Prison imposes additional costs

Although prison is intended to impose costs on offenders, costs extend beyond the direct effect on the prisoner during the term they serve. These costs include forgone employment, as well as higher rates of unemployment, social exclusion, homelessness and poor mental health following release. Prison disrupts parent–child relationships, alters the networks of familial support and places new burdens on government services such as schools and family support services. Studies suggest that the indirect costs of imprisonment may be in the order of \$40,000 per year for each prisoner.

¹ Productivity Commission 2017, Report on Government Services.

Queensland's prison population

Research shows that people who are most likely to experience deep and persistent disadvantage are the same people that are overrepresented in the prison population.

Table 1 Prisoner characteristics

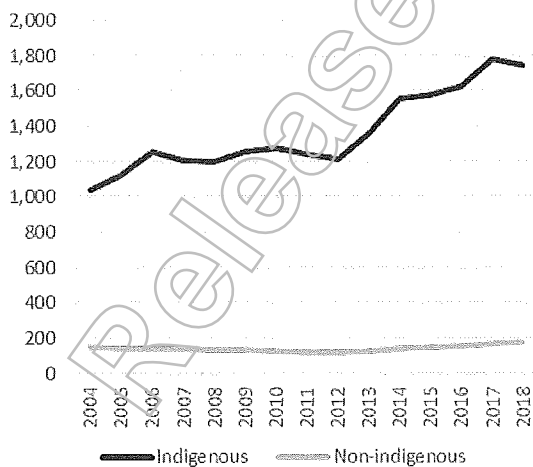
Characteristic	Prisoners	General population
Completed Year 12	17%	62%
Used illicit drugs in last 12 months	64%	16%
High levels of psychological distress	27%	12%
Unemployed in 30 days prior to imprisonment	49%	6%
Homeless	23%	0.5%

Source: ABS 2015, 2018d, 2018b; AIHW 2015, 2018.

Indigenous Queenslanders are overrepresented

Around 32 per cent of prisoners identify as Aboriginal or Torres Strait Islander, and imprisonment rates are currently more than 13 times higher than the non-Indigenous rate.

Figure 8 Age standardised imprisonment rate in Queensland, per 100,000 adult population

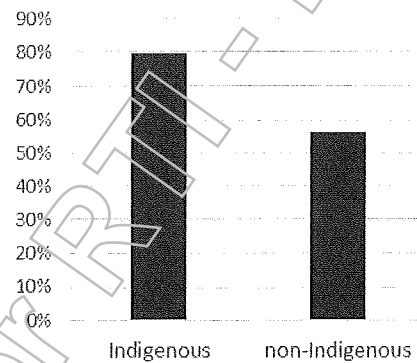


Source: ABS 2018b.

Imprisonment rates for Indigenous Queenslanders are increasing faster than for the general population.

Around 80 per cent of Indigenous prisoners have been in prison before—compared to less than 60 per cent for non-Indigenous prisoners.

Figure 9 Proportion of prisoners who have been in prison before, Queensland



Source: ABS 2018b.

A growing female prison population

While women make up a relatively small proportion of all prisoners, female imprisonment has grown significantly faster than for men (Figure 10). Since 2008, the number of female prisoners has increased by 62 per cent.

Figure 10 Cumulative growth in prisoner numbers, 2007–2017



Source: ABS 2018b.

What stakeholders told us

The system is not achieving desired outcomes

Prison/detention does not prevent offending. Research consistently shows that prisons are ineffective in rehabilitating offenders and preventing re-offending. Imprisonment is therefore a poor use of public money, particularly as the building, maintaining and staffing of detention centres or prisons is very costly. (Balanced Justice sub. 1, p. 33)

[W]hen governments talk about community protection as a reason, they only focus on the short term when offenders are actually in prison, and very little focus on community protection in the long term, e.g. post release. (Associate Professor Anna Erikson, Monash University sub. 5, p. 5)

Despite falling crime rates, record numbers of our most marginalised Queenslanders have been imprisoned, and continue to be re-imprisoned. (Sisters Inside sub. 39, p. 3)

Large number of prisoners receiving very short sentences, weeks or months, create a costly churn factor — occupying expensive secure cells and they receive little or no rehabilitation programs. (Keith Hamburger sub. 14, p. 27)

Prisons are overcrowded, and this is impacting rehabilitation

Double ups are occurring in every state run centre (other than the low security centres), in some there are insufficient facilities for all prisoners to sit down to eat at the one time and access to scarce industry programs designed to assist in rehabilitation is further reduced. (Together Queensland sub. 29, p. 1)

Issues are broader than the prison system

Rehabilitation is of little assistance when gaol offers a more inviting environment than the communities to which they must return. (Families Responsibilities Commission sub. 23, p. 1)

Addressing Indigenous incarceration requires a long term, community-led focus

[A]ny real improvements in the headline imprisonment rates will forever be elusive unless there is a clear focus on empowerment and developing 'human capital' so that indigenous people, over generations, have the means to lift themselves out of poverty. (Cape York Partnerships sub. 6, p. 2)

Offending behaviours are often the result of many complex factors

There is a significant body of evidence documenting the links between mental health issues and incarceration, as well as between childhood trauma and future psychosocial problems. (The Royal Australian & New Zealand College of Psychiatrists sub. 31, p. 5)

There are no quick fixes

Investing in programs addressing offending behaviour is not an easy sell, however, if we are serious about preventing crime and increasing the safety of our children, young people and communities, we must look into investing in long term solutions, not short term perceived 'fixes'. (Bravehearts sub. 40, p. 1)

Queensland, like the rest of Australia, relies heavily on the criminal justice system to respond to alcohol and other drug use despite recognition that alcohol and other drug use is better framed as a health issue. (Queensland Network of Alcohol and Other Drug Agencies sub. 30, p. 3)

Solutions require bipartisan support

This cannot be a political issue. (Queensland Victim's Homicide Support Group sub. 18, p. 3)

3 A framework for assessing options

The Commission has used an economic framework to assess various options that might address the problems relevant to this inquiry.

These options are assessed against the overarching objectives of the system, which, in simple terms, is to keep communities safe. Achieving this objective should:

- keep the community safe *over time*—there may be little justification for actions today if they jeopardise public safety in the future
- maintain the legitimacy of the system—any changes to the system need to satisfy the community's expectations about justness and fairness, including the community's tolerance for loss of liberty, and desire for retribution and denunciation of acts considered unacceptable.

The goal of community safety must be seen in context. For example, social welfare will only be enhanced if the benefits of improving community safety outweigh the costs. Take the example of road safety—higher levels of road safety could be achieved by limiting the use of private motor vehicles, but that would impose prohibitive costs on the broader community.

Equally, it will never be possible to achieve an absolute level of community safety—this would involve costs that most in the community would find unacceptable. Attempts to achieve 'no harm' or 'zero tolerance' often have large unintended consequences.

Resource constraints are another limiting factor in achieving community safety. More public money spent on community safety means less resources to fund schools, hospitals and roads. Beyond some point, there are also diminishing returns from efforts to increase safety.

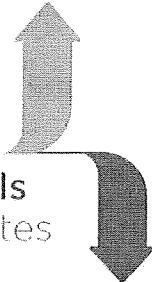
Viewed through this lens, the Commission has asked four key questions:

- What are the right roles for government? While the Queensland Government has a clear part to play in achieving community safety, it can adopt many different approaches.
- Do current policies and programs keep the community safe over time? Policies and actions should be consistent with the objective of keeping communities safe and should be implemented in a way that ensures they meet this objective.
- Are there more effective and efficient ways of achieving community safety? The most effective and efficient policy options should be used to keep communities safe, and these should be improving over time.
- Are there ways to improve decision-making across and within government, and encourage innovation to improve efficiency and effectiveness? Decision making should be informed by robust evidence, ensure coordination across the system and encourage continuous improvement.


Overview of reforms

RATIONALE FOR CHANGE

Imprisonment rates are rising despite falls in crime rates



There is **little evidence** that the increasing use of imprisonment benefits the community.



PRISONS ARE **OVERCROWDED** compromising safety and rehabilitation efforts



On current trends, investments of **\$5 to \$6.5 billion** will be required to ensure that prison capacity is able to **meet demand in 2025**



PRISONS ARE **EXPENSIVE** - it costs around **\$107,000** per year to house each prisoner

High rates of reoffending are compromising community safety



OPTIONS FOR CHANGE



Adopt more effective ways to deal with offending

- Increase the range of, and support for non-custodial sanctions
- Introduce victim restoration and restitution
- Reduce the scope of criminal offences



Break the cycle of reoffending

- Deliver an effective model of throughcare
- Remove regulatory and operational impediments to rehabilitation and reintegration
- Ensure prison facilities support rehabilitation



Reduce interactions with the criminal justice system

- Address gaps in intervention and prevention
- Expand the use of diversionary options



Build a better decision-making architecture

- Clarify objectives for the criminal justice system
- Enhance transparency and accountability
- Ensure evidence-based funding and policy decisions

4 Policy options to improve outcomes

Adopt more effective ways to deal with offending

The prison population is not a homogenous group. Prisoners have committed different types of offences, some very serious and some relatively low-harm. They come from different backgrounds and have offended under different circumstances. Some respond to conditioning in prison; others not. Therefore, the costs and benefits of imprisonment vary considerably across different offenders.

In this context, prison can be a blunt instrument for dealing with offending behaviours.

Most prison sentences are short. The median prison sentence is 3.9 months. Often most of the sentence, or sometimes the whole sentence, is served on remand. In these circumstances, there are limited opportunities for rehabilitation but potential for remandees and less serious offenders to be exposed to the criminogenic effects of prison.

Prisons are increasingly used for non-violent crimes. The majority of custodial sentences are for non-violent crimes, and this share is increasing (Figure 11).

This can be seen in types of offences that are attracting prison sentences (Figure 12).

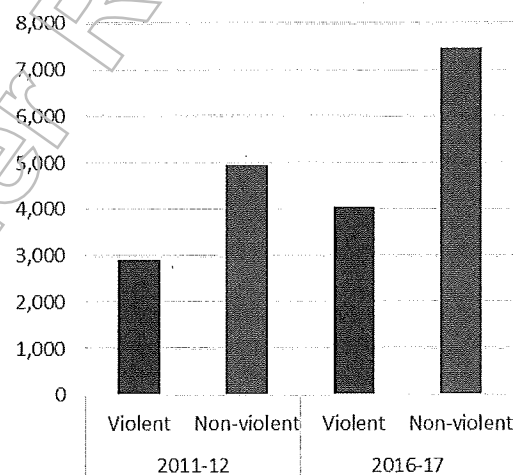
Drug offences made the largest contribution to the growth in the prison population (32 per cent) between 2011-12 and 2017-18.

Offences against justice procedures, theft and unlawful entry offences contributed a further 29 per cent of all growth over the same period.

These offences tend to be non-violent, relatively lower harm or are 'victimless'.

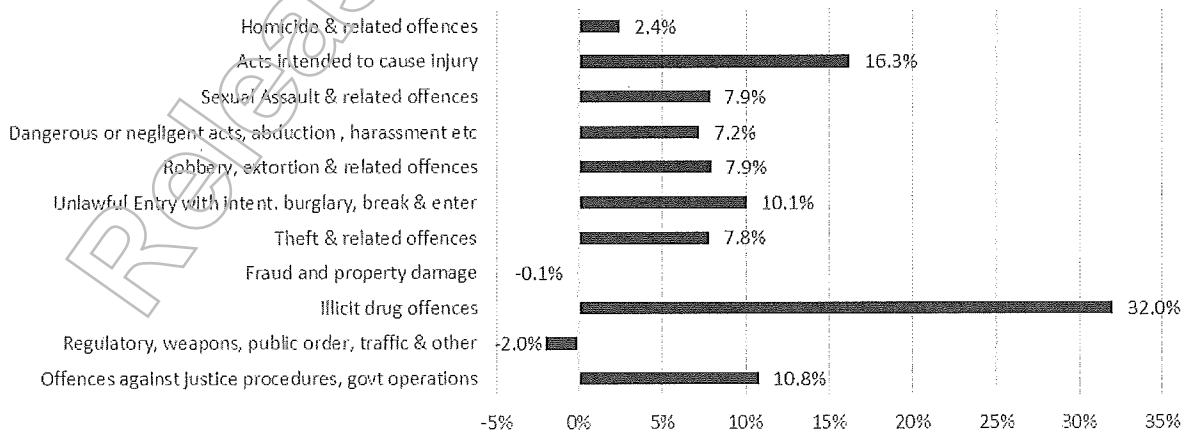
Acts intended to cause injury contributed 16.3 per cent, however, the most serious categories (such as grievous bodily harm) did not contribute to growth.

Figure 11 Prison sentences by type of offence, Queensland



Source: ABS 2018a.

Figure 12 Sentenced prisoners' contributions to growth, 2011-12 to 2017-18, Queensland



Source: unpublished data.

For some offences, the benefits from imprisonment do not outweigh the costs. The benefits of prison mainly arise from the deterrence of harmful acts. The deterrence effect of prison declines as more people are imprisoned; however, the best estimates from the literature suggests that, with the current rate of imprisonment, incarcerating an additional prisoner prevents around 13 crimes for property offences, and around 1.3 crimes for violent offences. These benefits need to be assessed against the direct and indirect costs of imprisonment.

The Commission has undertaken a preliminary, illustrative analysis of the costs and benefits of imprisonment for a range of offences. A simple example (Table 2) shows that prison provides a large net benefit to the community for homicide offences (where the harm of offending is high), but the benefits are less clear for burglary (where harm is much lower).

This does not suggest that we should never imprison anyone for burglary, but that increasing the use of prison for burglary, particularly for less serious offences, is likely to impose a net cost on the community.

Table 2 Illustrative net benefits of imprisonment

Offence	Harm avoided ^a	Sentence length ^b	Prison cost ^c	Net benefit ^d
Homicide	\$3,861,126	7.2 years	\$772,560	\$3,088,566
Burglary	\$30,795	1 year	\$107,300	-\$76,505

a Harm avoided is the average harm associated with the offence (from 2014 Australian Institute of Criminology harm estimates) multiplied by the offences avoided.

b Sentence length is the average sentence length sourced from ABS Prisoners in Australia (cat. no. 4517.0).

c Prison costs are the average sentence length multiplied by \$107,300.

d The net benefit is the harm avoided less the prison cost.

Even where there is a net benefit from using prison, in many cases prison may not be the best option—there is sufficient evidence to suggest that alternatives to prison, for at least some offences, can provide greater net benefits to the community.

Reduce the scope of criminal offences

Criminal sanctions are only one option for dealing with behaviours currently defined as a criminal offence. Many activities that are known to be harmful, such as smoking, are dealt with through measures such as public health campaigns and regulation without criminal sanctions.

Decisions about whether to criminalise an activity should depend, among other things, on the costs that criminalising it imposes on society, and whether there are better ways of dealing with the activity. Among the costs to consider are the unintended consequences of addressing the activity through the criminal code—for example, there may be harms associated with illicit drug markets, such as increased gang violence and property crimes.

For many offences, the use of criminal sanctions appears to impose large and unnecessary costs or unintended consequences on the community. Dealing with these offences in ways that do not involve the criminal justice system is likely to result in less imprisonment and provide a net benefit to the community.

Consideration should be given to reducing the scope of behaviours that are dealt with under the criminal justice system. Some of the offences that could potentially be excluded are:

- regulatory offences
- drug offences
- public nuisance offences.

Criteria for determining the types of activities that should be removed from the criminal code could include:

- the extent to which the activity causes harm to others
- the costs that criminal sanctions impose on offenders and whether these costs are proportionate to the harm caused to others
- the extent to which criminal sanctions deter harmful offending
- whether criminalisation has unintended consequences that result in greater harm
- whether criminalisation undermines public perception of the legitimacy of the law.

If some crimes are removed from the criminal code, then further consideration will need to be given to how the harms from these offences are best dealt with.

Box 5 The Portuguese experience—decriminalisation

In 2001, Portugal decriminalised the purchase and possession for personal use of all drugs. The change went beyond depenalisation, which removes custodial sentencing as an option for low-level drug offenders but did not amount to legalisation. Trafficking, supplying and possessing large quantities of an illicit drug remain criminal offences. Low-level offenders are now dealt with administratively by an informal 'Dissuasion Commission' which determines an appropriate non-custodial sanction. The purpose of the commission is not to punish the offender but to encourage treatment and rehabilitation. The commission is not able to mandate treatment but can suspend a penalty on the condition that an offender agrees to be treated.

There is no evidence that the reforms led to increased drug use in Portugal, while drug-related harms, and criminal justice system costs seemed to have declined. It is difficult to determine the extent to which the reforms affected imprisonment^a; however, the Portuguese incarceration rate declined after the reforms and then grew from this lower base.

a It is difficult to determine the impacts on incarceration without a counterfactual forecast—that is, what would imprisonment rates have done in the absence of reforms?

Sources: Gonçalves, R, Lourenço, A & da Silva, SN 2015, 'A social cost perspective in the wake of the Portuguese strategy for the fight against drugs', International Journal of Drug Policy, vol. 26, pp. 199–209; Greenwald, G 2009, Drug decriminalisation in Portugal: lessons for creating fair and successful drug policies, Cato Institute.

Give more focus to victims

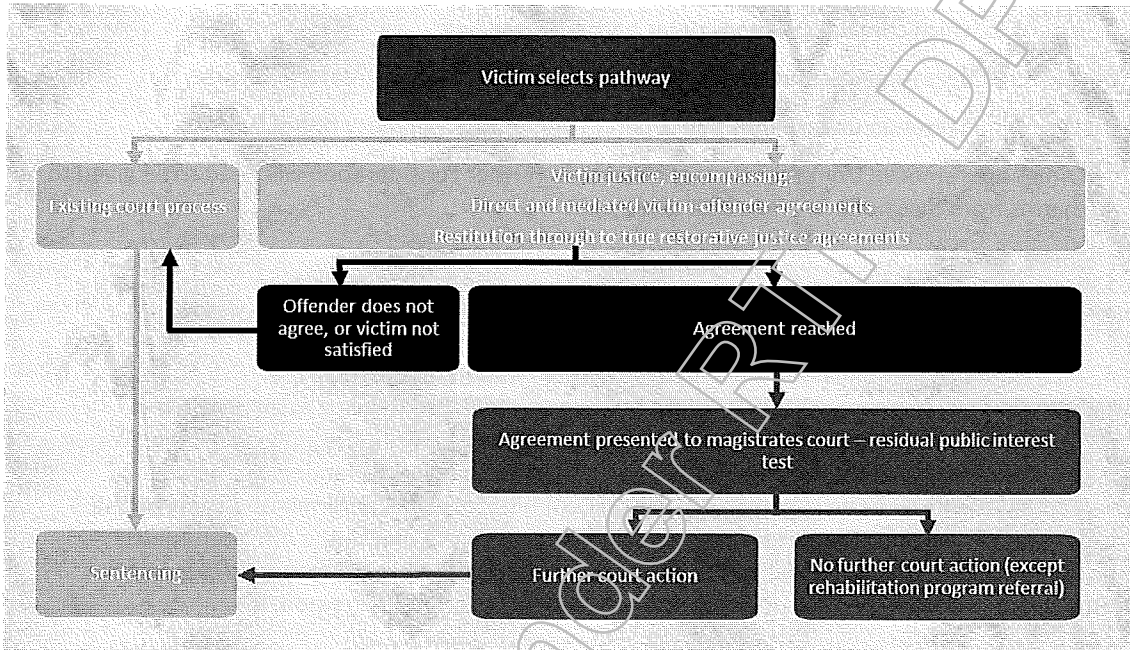
The criminal justice system focuses on criminals; not on the victims of crime.

Currently, in criminal matters the state is the litigant and the victim plays a largely passive role in the process. The offender's 'debt' is paid to the state, often in the form of a prison sentence. The victim plays no role in the setting of the sentence and usually receives no compensation from the offender for the harm done.

Beyond the direct impact on victims of this approach (with limited opportunity for restitution or restoration), the indirect impact has been to entrench a high-cost approach to community safety, with ongoing pressures for further legislative and other interventions in an attempt to address community harm. The result, at least anecdotally, is that such interventions have not always met the needs of victims and more offenders are in prison than is necessary.

Under a victim-focused system, victims can be provided with an option to choose a sentencing pathway that focuses on victim restitution and restorative justice, rather than the standard sentencing process. Where the victim chooses direct involvement in the process, the offender's debt is in effect paid to the victim prior to any state consideration. This can involve financial and non-financial assistance to victims.

Figure 13 A victim-focused sentencing process



These approaches are typically associated with a reduction in the use of imprisonment because they provide acceptable alternatives to prison (through compensation, rehabilitation requirements and victim-offender restoration). For low-harm offences, restorative justice can substitute for court sanctions, including imprisonment. For more serious offences, the court may need to consider any residual state interest. That is, final sentencing should consider genuine attempts toward victim restoration, as well as any residual need to protect the community, including by deterring others. In other words, the offender's 'punishment' is the sum of her or his efforts towards victim restoration plus the residual sanction imposed by the courts.

Where victims and offenders are suited to restorative justice practices, there is solid evidence that these practices can reduce recidivism. Evidence also indicates that victims are more satisfied with outcomes under restorative justice practices compared to normal court sentencing.

The victim-focused approach to sentencing is perhaps most advanced in New Zealand, where the requirement to provide for the interest of victims is enacted in legislation—for example, sentencing purposes include both restoration and reparation to victims.

The Commission recommends that a victim restitution and restoration system be adopted in Queensland, including that a victim-focused approach be enshrined in the *Penalties and Sentencing Act 1992*.

Use more cost-effective sentencing options

For at least some offences, the use of prison imposes costs on the community that appear to outweigh the benefits provided. For these offences, it is likely that the use of other, non-custodial options would better achieve the purposes of sentencing, and, from a cost-benefit perspective, be a better option than imprisonment for less serious crimes.

The greater use of non-custodial options could apply to:

- less serious and/or non-violent crimes
- victimless crimes
- more serious offences if offenders have a mental illness or have experienced trauma.

Non-custodial options could also be used for unsentenced prisoners, who would otherwise be remanded.

The evidence suggests that, effectively supported, the greater use of non-custodial sentences is unlikely to compromise community safety and will better support rehabilitation. Non-custodial options also cost significantly less than custodial options—it currently costs \$5,000 to supervise an offender in the community, compared with \$107,000 to keep them in prison for a year.

Removing some of the existing sentencing restrictions would allow courts to impose effective and efficient sentences. In particular:

- Non-custodial sentences such as monetary penalties, community service, restitution and compensation could be used more frequently to substitute for imprisonment.
- Community-based sentences could be attractive substitutes for imprisonment if restrictions on their duration and combination with other penalties are removed, and if they are supplemented by approaches such as electronic monitoring and home detention.
- Courts should be able to impose custodial sentences on low risk offenders that are served in low security facilities.

For these sentencing options to be an effective alternative, they need to be appropriately supported.

Currently, limited resourcing is provided to support the supervision of offenders in the community. Queensland expenditures on community supervision are the lowest in Australia and Queensland has the highest ratio of offenders to community corrections staff. Although 70 per cent of individuals being supervised by QCS are under a form of community corrections order, this cohort attracts only 10 per cent of the corrections budget (the remainder is spent on prisons).

If courts are to be given a greater range of sentencing options, the community should be assured they are used appropriately. The Queensland Sentencing Advisory Council (QSAC) is well placed to strengthen the community's confidence in sentencing outcomes by:

- producing and communicating an evidence base for sentencing
- assessing sentencing in Queensland against this evidence and community expectations.

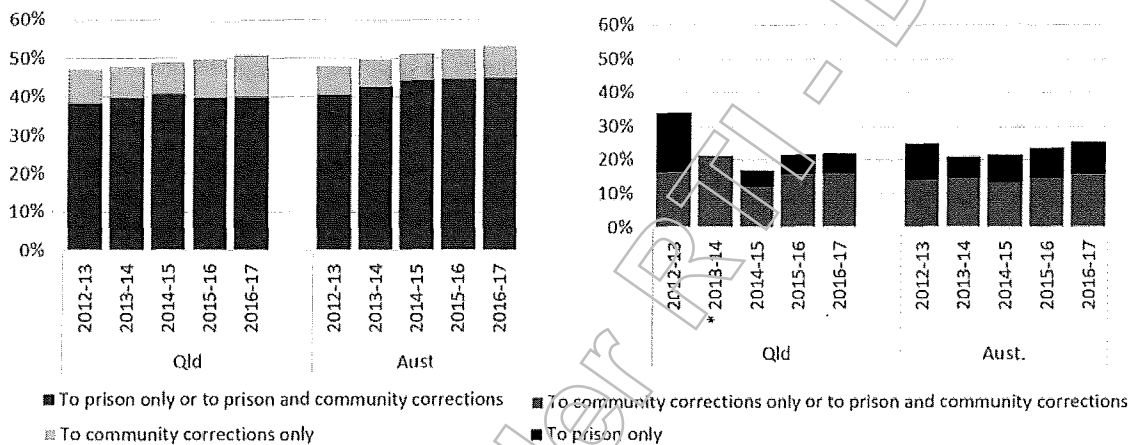
Introducing a greater range of alternatives to prison may encourage 'net widening'. This occurs when a penalty is imposed on low-harm offenders who would never have received a prison sentence. This can be a problem because the penalty can lead to a breach of conditions that may then lead to imprisonment for the offender who otherwise would never have entered the system. If new sentencing options are made available, some oversight may be required to ensure they provide benefits to the community.

It is possible that backlogs in the courts have added to the remand population in prison. To address this, the government should work with courts to identify opportunities to reduce remand levels by reducing court delays and increasing time for bail hearings.

Break the cycle of reoffending

Currently, over 1,000 prisoners are released back into the community every month—over half of these will return to prison or corrective services within two years (Figure 14). Evidence available to the Commission suggests many prisoners receive limited rehabilitation, and most are released back into the community with minimal support. This makes the community less safe than it otherwise could be.

Figure 14 Proportion of individuals released from prison (left) and community corrections (right) returning to corrective services within two years



*The proportion of 2011–12 community corrections discharges returning to corrective services within 2 years was unavailable in Queensland.

Source: PC 2018.

Improve rehabilitation and reintegration services

Reducing the rates of reoffending will require more effective rehabilitation and reintegration of prisoners.

The evidence shows that effective programs can reduce reoffending, saving the community significant social and economic costs. However, positive results are by no means universal or large. Most successful programs are likely to have a moderate impact on reoffending.

This makes it difficult to determine the optimal level of resourcing for rehabilitation and reintegration. Nevertheless, it appears that there is underinvestment across the system, with reintegration and rehabilitation services provided for only a small number of prisoners. This is exacerbated by the fact that the rehabilitation and reintegration of prisoners is not as effective or efficient as it could be, and there are few incentives to encourage improvement.

Underlying issues are impeding the efficiency and effectiveness of rehabilitation and reintegration. For example:

- although QCS has a responsibility for rehabilitation during imprisonment, no single agency is responsible for prisoner reintegration
- there are few accountability mechanisms for achieving rehabilitation and reintegration outcomes
- there is limited coordination between in-prison and post-prison rehabilitation and fragmented service delivery after prison
- a range of regulatory and operational impediments are restricting effective rehabilitation and reintegration.

To address these problems, the Commission recommends that the Queensland Government:

- better articulate the importance that the government attaches to rehabilitation and reintegration and ensure that resourcing is available to meet this commitment
- introduce reporting measures that better incentivise performance
- remove unnecessary regulatory impediments, including the inability to utilise work release orders, and excessively prescriptive release schedules
- put greater effort into rehabilitation, including during prisoner reintegration into the community
- introduce measures for coordinating the delivery of services to support prisoner rehabilitation and reintegration.

Introduce arrangements to encourage effective throughcare

Throughcare is a coordinated approach to prisoner rehabilitation and reintegration that aims to reduce recidivism. It provides for continuity of care and supervision during prison and after release into the community. Throughcare approaches to prisoner rehabilitation and reintegration are generally considered as best practice.

Although the Queensland system provides for a throughcare approach 'on paper', the Commission's observation is that there is not an effective throughcare model in practice. This observation is consistent with the 2016 Queensland Parole System Review (QPSR), which included recommendations to improve throughcare to better support prisoner rehabilitation and reintegration.

The Commission's view is that introducing an effective throughcare model is likely to require a more fundamental reform than suggested in the QPSR. This is likely to require a significant change in *the governance arrangements*, not just funding or support for new services.

The Commission will explore the best options for such a model for the final report, and will consider a range of issues including:

- where throughcare should start (for example whether initial screening should occur prior to sentencing)
- the arrangements that would encourage services to meet the specific rehabilitation needs of prisoners, including women and Aboriginal and Torres Strait Islander prisoners
- how to encourage and facilitate the coordination of service delivery, including the exchange of timely information between service providers
- the extent to which authority to make decisions can be devolved
- the best ways to incentivise performance, including performance measures, outcomes-based funding and oversight mechanisms
- how to encourage community-led and market-led solutions.

Get the capital mix right

The prison system in Queensland is overwhelmingly focused on high security prisons—around 90 per cent of prisoners are held in high-security facilities, significantly higher than the national average.

High security prisons are not designed for rehabilitation and often result in institutionalisation, particularly for prisoners with complex mental health or trauma issues. Further, they are an expensive way to deal with prisoners, particularly for low-risk offenders.

When developing its capital program for building new prisons or modifying existing ones, the Queensland Government should consider cost-effective opportunities to improve facilities' contribution to rehabilitation, including those that:

- draw on the best available evidence about how facilities affect rehabilitation
- provide greater opportunities for rehabilitation
- allow a more 'normalised' environment
- provide opportunities for prisoners to recover from past trauma (particularly Indigenous prisoners), drug addictions and/or mental health issues.

Reduce interactions with the criminal justice system

Ensure that the right diversionary options are available and used

For many low-harm or minor offences, police enforcement and court proceedings impose costs on offenders that exceed the harm of their offending. Further, this initial interaction can result in an escalation of interactions with the criminal justice system. Diverting these offenders can avoid unnecessary impacts for the individual and save costs across the criminal justice system.

Options for police to divert offenders away from the criminal justice system are limited. Apart from a caution/diversion for minor drug possession, there is limited scope for adult cautioning in Queensland. This is reflected in proceedings. In 2016–17, the police made just under 170,000 proceedings against offenders, sending most to court.² Queensland makes the least use of non-court proceedings (17 per cent), compared to New South Wales, Victoria and South Australia (59, 29, and 55 per cent respectively), particularly for illicit drugs and public order offences (Table 3). With few non-court options, the risk of mismatching the response to the crime increases.

Table 3 Non-court proceedings, 2016–17

Offence	Qld	NSW	Victoria	SA
Illicit drugs	20%	28%	34%	80%
Public order offences	42%	84%	90%	78%

Source: ABS 2018c.

Adding an adult caution, as well as specific cautions for minor drug offences, will slow the escalation of people through the criminal justice system into prison. To reduce recidivism, the cautioning process should also provide appropriate diversion to effective treatment and support to prevent reoffending.

These changes will give the police a greater and more active role in preventing crime. To provide guidance on how discretion should be used, a simple public interest should be introduced to police practice.

The NZ policing excellence program (2009–2014) illustrates how setting appropriate targets, in conjunction with a plan to achieve them, can have an impact on police operations, performance and ultimately community safety. The five-year program achieved a 20 per cent reduction in recorded crime and over 40 per cent reduction in prosecutions. In light of those outcomes, adopting a similar approach in Queensland would be consistent with the objectives for this inquiry. Further information is sought on the extent and types of change in policing objectives and practices that would be required and the costs of making such a change.

² These are proceedings against those aged 10 years and over, and any proceeding may include several offences.

Queensland is increasing the diversion available through the Drug and Alcohol Court and Court Link. These referral-based diversions are based on sound models and are scheduled for evaluation. But Queensland is a late adopter compared to other states, where those models and referrals are already embedded, and it will need to grow the referral structure to match a more graduated system of proceedings.

The Murri court, Community Justice Groups and local mediation initiatives are highly valued by stakeholders. The Murri court evaluation, due in February 2019, will be considered in the final report.

Address gaps in prevention and early intervention

Prevention and early intervention measures can help people avoid the behaviours that lead to crime and imprisonment. While evidence suggests they can reduce crime, these approaches can be risky investments because they can involve large costs with uncertain outcomes. Further, benefits from early interventions typically provide benefits beyond those that affect imprisonment and recidivism—these are beyond the scope of this inquiry.

Several recent inquiries have recommended reforms based on targeted early intervention:

- Carmody Inquiry into the child protection system
- Report on Youth Justice
- Inquiry into service delivery in remote and discrete Aboriginal and Torres Strait Islander communities
- Townsville Community Champion on Youth Crime Report
- Independent Review of Youth Detention Queensland.

While these reports have made many recommendations, it is not always clear whether, how and when the government will implement and evaluate them. The Commission recommends that the government publicly report on the status of reforms and proposed responses.

Given the number of review recommendations still being implemented, the Commission has not investigated operational issues in regards to youth justice or child protection. Further, given the wide scope of possible early interventions, it has not been possible for the Commission to fully consider many of the relevant issues, particularly those relating to youth justice or child protection, in the time available.

Nonetheless, the Commission has identified some gaps in prevention and early intervention.

Addressing the high levels of Indigenous incarceration will require the rebuilding of social norms in many communities. This is particularly true in remote Indigenous communities where rates of offending are much higher than in the rest of the state. Key to addressing these issues is to enable communities to develop solutions for themselves. To achieve this, the government will need to make a clear commitment and progress the reforms outlined the Commission's inquiry into remote and discrete Aboriginal and Torres Strait Islander communities. Lessons from this inquiry should be extended to other Indigenous communities where relevant.

Many stakeholders raised concerns that disconnection from the school system is a key risk factor for offending behaviours. While further analysis is required to develop solutions, more could be done to support at-risk children identified through the school system. This is likely to require more innovative mechanisms than are currently available.

Stakeholders also raised concerns about barriers that prevent some individuals from accessing services to help prevent offending behaviours. These include a lack of support for services that aim to prevent highly stigmatised offences such as sexual offending. The Commission will explore these issues further in the final report.

Improve the decision-making architecture

The recommendations proposed in this report aim to reduce imprisonment and recidivism and improve outcomes through a wide range of policy reforms. However, without change to the policy and funding decision-making architecture, the benefits of reforms may not be realised, and problems will re-emerge over time.

The decision-making architecture that supports the criminal justice system could be improved through:

- more effective coordination across the various institutions that make up and support the criminal justice system
- better data sharing, modelling and program evaluation to support evidence-based decision-making
- more robust policymaking processes
- funding mechanisms to provide resources across the system to where they are most needed.

Weaknesses in these areas have, at least in part, contributed to bottlenecks and overcrowding across the system and limited the ability of the government to lead the conversation on the need for reform of the criminal justice system.

To move forward, the criminal justice system needs to move to a system where agencies are pursuing common objectives to support outcomes. To achieve this there needs to be a system where the decision-making architecture:

- ensures that all costs and benefits are considered in policymaking, including those that cut across individual agencies
- establishes sufficient accountability and authority to ensure that policy and funding reforms are achieved.

While there are a range of options that might be considered, the Commission considers progress may be best achieved by establishing a justice reform office that is at arm's length from the criminal justice system, but responsible for leading change across the system.

The office needs to have a governance structure that enables it to consider the perspectives of each of the core agencies responsible for delivering the criminal justice system, as well as those services that surround the system. The office will also need sufficient expertise and authority to get things done.

The Commission will continue to explore the best arrangements; one option is for the justice reform office to be responsible to a board comprised of the chief executives of each of the core criminal justice agencies and independent experts.

The justice reform office's key functions should be to:

- coordinate and review policy and budget submissions from the core criminal justice sector agencies to Cabinet and Cabinet committees
- implement justice system reforms
- advise government of priority criminal justice policy issues
- lead and support evidence-based policymaking.

Draft recommendations

The draft recommendations outline the key reforms the Commission considers will reduce the use of imprisonment and reduce reoffending in the medium to long term. The Commission's view is that the draft recommendations are unlikely to compromise community safety and, by addressing many of the issues that drive offending, are, instead, likely to make the community safer over the longer term.

However, the policy areas under consideration for this inquiry are complex and may be controversial, and the evidence is not always clear or settled. For some areas, the Commission is still analysing the evidence, including data from Queensland Government agencies.

Therefore, each of these reforms will require more analysis to ensure they can be implemented in a way that will deliver the best outcomes for the community.

The Commission is seeking further comments from stakeholders on each of these recommendations.

Reduce the scope of criminal offences

Draft Recommendation 1

The Queensland Government should seek to remove those activities from the *Criminal Code Act 1899* and other relevant legislation, for which the benefits of being included do not outweigh the costs. This reform should focus on, but not be limited to, acts that do not have an obvious victim, including:

- public order offences
- illicit drugs offences
- regulatory offences.

When assessing whether an activity should be redefined, consideration should be given to:

- the extent to which the activity causes harm to others
- the costs that criminal sanctions impose on offenders and whether these costs are proportionate to the harm caused to others
- the extent to which criminal sanctions deter harmful offending
- whether criminalisation has unintended consequences that result in greater harm
- whether criminalisation undermines public perception of the legitimacy of the law.

Draft Recommendation 2

To support any changes to the use of criminal law, the Queensland Government should develop alternative policy approaches where required, including:

- incentives to reduce undesirable behaviours, such as civil remedies, tax and regulatory regimes and other non-criminal sanctions
- education and information provision, to highlight potential harms from newly decriminalised acts
- health responses, such as those that address mental health and drug problems.

Information request

The Commission is seeking further information on the following issues:

- What current offences do not warrant being defined as an offence? What current offences do not warrant being defined as an offence *if* imprisonment is a potential punishment?
- What offences, if any, are candidates for downgrading from a criminal offence or misdemeanour to a simple offence or to a regulatory offence?
- Is there scope for greater use of the civil law, and for which offences?
- Does criminalisation impede a health-based response to the problem of illicit drug usage?
- Are there approaches to drug reform that offer significant net benefits?

Provide options for victim involvement

Draft Recommendation 3

The Queensland Government should introduce victim-focused restitution and restoration into the sentencing process. This system should:

- give victims the option of engaging in a process of restitution and restoration with the offender prior to sentencing
- provide victims and offenders with a wide range of options for achieving restoration for harms inflicted, including financial and non-financial compensation
- reflect and enforce, through the sentencing process, agreements that are reached between the victim and offender
- provide mechanisms to ensure that courts consider any residual public interest in final sentencing
- allow normal court processes to proceed where victims choose not to pursue restitution or restoration or where victims and offenders cannot reach agreement
- include appropriate protections for victims and offenders.

Victim-focused restitution and restoration should be made available for any offence where a victim is identifiable.

Information request

The Commission is seeking information on the design of a victim restitution and restoration system, including:

- key design features such as:
 - the principles that should guide the residual public interest test
 - mechanisms to minimise the risk of unnecessary delays
 - any processes needed where offenders do not fulfil their agreed obligations.
- whether restoration principles should be included as a sentencing purpose in the *Penalties and Sentencing Act 1992*
- how restitution and restoration may best meet the needs of indigenous communities
- key risks, costs and benefits, including potential unintended consequences.

Increase the range of non-custodial sanctions

Draft Recommendation 4

The Queensland Government should reform sentencing legislation to:

- make sentences involving home detention available to courts
- allow courts to impose custodial sentences in low security correctional facilities
- remove restrictions on the use of monetary penalties, community service and community-based orders, or the combination of these orders with other sentences.

To encourage the appropriate use of non-custodial sentencing, the Queensland Government should:

- establish a mechanism to allocate resources to community corrections to support changing court sentencing practices
- amend section 9(2) of the *Penalties and Sentences Act 1992* to include a consideration of the costs of sentencing options, including the financial costs imposed on the community
- review legislated restrictions on judicial discretion to check if they are serving their intended purpose.

To ensure sentencing options support community safety and rehabilitation, the Queensland Government should introduce pre-sentence assessment of offenders who may be facing prisons terms.

Draft Recommendation 5

To strengthen community confidence in sentencing, the Queensland Government should:

- expand the role of the Queensland Sentencing Advisory Council in producing and communicating an evidence base for sentencing and assessing sentencing in Queensland against this evidence
- introduce judicial self-monitoring, independent external review or other appropriate mechanisms to improve the consistency of sentencing outcomes for lower level offences where appeals mechanisms are infrequently used.

Information request

The Commission is seeking further information on:

- the extent to which the proposed changes to sentencing would result in 'net widening', whether this would be desirable, and, if not, ways that it can be managed
- the consistency of sentencing outcomes and appropriate ways for sentencing consistency to be monitored in the Magistrates Court
- whether victims of crimes should be given the right to instruct the Director of Public Prosecutions to seek leave to appeal against a sentence handed down by a District or Supreme Court.

Reduce the use of remand

Draft Recommendation 6

To encourage confidence in, and greater use of bail, the Queensland Government should:

- develop evidence-based risk assessment tools to assist police and courts when considering bail applications
- make available, through legislative amendment, a greater range of non-custodial options to courts, including the use of electronic monitoring and home detention
- establish a mechanism to allocate resources to support any changes in the use of community-based supervision
- trial remand accommodation options for homeless offenders, including bail hostels and low security custodial facilities
- consider extending the operations of Court Link and QMERIT to more locations.

Draft Recommendation 7

The Queensland Government should assess whether there are opportunities to reduce remand levels by reducing court delays and increasing time for bail hearings.

Draft Recommendation 8

To provide greater guidance to courts, the Queensland Government should insert 'guiding principles' into the *Bail Act 1980*, based on the following principles:

- maximising the safety of the community and persons affected by crime
- taking account of the presumption of innocence and the right to liberty
- taking account of the cost of imprisonment to the community
- promoting transparency and consistency in bail decision-making
- promoting public understanding of bail practices and procedures.

Information request

The Commission is seeking further information on:

- the causes of the growth in the remand prisoner population
- the causes for delays in court proceedings and possible remedies
- any changes to court procedures that could improve decision-making
- bail support services and non-custodial options that would improve the effectiveness of, and confidence in, non-remand options
- how police and courts should consider risk when assessing bail applications.

Improve rehabilitation and reintegration

Draft Recommendation 9

The Queensland Government should modify legislation, policy and operational procedures to include a clear and specific objective of rehabilitation and reintegration of prisoners.

Draft Recommendation 10

To improve rehabilitation and reintegration of prisoners, and to reduce recidivism, the Queensland Government should introduce an effective throughcare model into the adult criminal justice system. The features of this model should include:

- clear objectives to rehabilitate and reintegrate prisoners
- adequate resourcing to meet these objectives
- a focus on individual rehabilitation needs of prisoners
- coordinated service delivery
- sufficient delegation of authority
- transparency and accountability mechanisms that would encourage continuous improvement
- incentives to reduce reoffending.

In developing this model, consideration should be given to ways to foster markets and community involvement in services that support rehabilitation and reintegration.

Information request

The Commission is seeking evidence from stakeholders on:

- the arrangements that would best encourage continuous improvement and effective and efficient rehabilitation and reintegration of prisoners
- the appropriate starting point for throughcare in the adult corrections system.

Draft Recommendation 11

When Queensland Corrective Services develops its capital program for building new corrections centres or when modifying existing facilities, it should assess options to make infrastructure more effective for prisoner rehabilitation. Consideration should be given to:

- the best available international evidence on the effect of infrastructure on rehabilitation
- cost-effective options to improve rehabilitation of prisoners.

Information request

The Commission is seeking information on:

- completion rates of in-prison programs and the evidence from evaluations or other studies of the contribution of in-prison programs to reducing recidivism in Queensland
- how QCS considers the impact on rehabilitation when designing its capital program
- the incentives for:
 - prison managers, to encourage prisoners to participate in and complete programs within prisons and to engage in meaningful employment
 - prisoners, to participate in and complete programs within prisons and to engage in meaningful employment
 - course providers, to encourage prisoners to participate in and complete programs within prisons
- changes to governance arrangements that would improve rehabilitation and reduce recidivism.

Draft Recommendation 12

To lower reoffending, the Queensland Government should give greater priority to reintegration services by:

- removing regulatory impediments to reintegration, including the lack of work release options, and uncertain release dates
- introducing measures to ensure parole workers' caseloads support effective community supervision
- providing sufficient flexibility on release dates to allow Corrective Services to effectively prepare prisoners for release
- ensuring all prisoners, upon their release, have up-to-date identity documents, including a Medicare card and birth certificate, a driver's licence and bank account where required, and information on social welfare and employment services.

Information request

Further information is sought on:

- the number of prisoners receiving reintegration support from government service providers, and the costs of these services
- the number of released prisoners accessing government-funded housing each month
- the extent to which the NGO sector is supporting prisoners with accommodation (not funded by government)
- the number of prisoners released without a planned release date and any problems this creates for the delivery of reintegration services
- options for linking released prisoners to accommodation services without government funding
- the practicality and value of developing temporary release programs for prisoners in the final stage of a prison sentence.

Address gaps in prevention and early intervention

Draft Recommendation 13

To progress initiatives relating to the youth justice system, the Queensland Government should publish its Youth Justice Action Plan in response to the *Report on Youth Justice*. As part of this response, the government should publicly report on recommendations and evaluation of programs.

Draft Recommendation 14

In implementing the recommendations of the *Service delivery to Queensland's remote and Indigenous communities* report, the Queensland Government should prioritise recommendations that address the causal factors for offending, such as entrenched economic disadvantage, including:

- removing barriers to local economic activity, including ensuring that procurement and job requirements do not exclude local participation
- developing a land tenure reform plan that better supports economic development in remote communities
- reforming policies that facilitate the growth of the Indigenous private sector
- investigating ways to develop community and market initiatives in Indigenous communities including through the use of arm's length funding arrangements that devolve authority to communities.

Draft Recommendation 15

The Queensland Government should:

- fill gaps in preventative service delivery where stigmatisation prevents accessibility or funding (such as programs that encourage self-referrals to prevent sexual offending), and establish trials where these are suitable
- establish a trial program through schools to identify and better support at-risk children to prevent disengagement from the education system.

Information request

The Commission is seeking further information on:

- any deficiencies in prevention and early intervention strategies operating in Queensland
- options that are likely to address the underlying causes of incarceration of Indigenous Queenslanders
- options that would increase accessibility of stigmatised preventative programs
- supports that are required to keep at-risk children in schools.

Expand diversionary options

Draft Recommendation 16

To prevent unnecessary interactions with the criminal justice system, and to better treat offending behaviour, the Queensland Government should:

- review current practice and establish police KPIs to encourage the efficient use of discretion, diversion and cautions
- introduce additional diversionary options for police, including on-the-spot fines, conditional referrals and additional cautioning options
- develop a simple public interest test for police, to encourage and guide the use of discretion.

To support these changes, reporting and monitoring arrangements will need to be in place to ensure public confidence and accountability.

Information request

The Commission is seeking information on:

- other options that would be effective in reducing unproductive interactions with the criminal justice system
 - issues that a simplified public interest test should consider
 - whether there would be benefits from reversing the onus of the public interest test used by public prosecutors for selected low-harm or 'victimless' offences.
 - reporting and monitoring arrangements that would ensure public confidence and accountability on the way that police discretion is used.
-

Build a better decision-making architecture

Draft Recommendation 17

The Queensland Government should establish a justice reform office to:

- coordinate and review policy and budget submissions from the core criminal justice sector agencies to cabinet and cabinet committees
- implement justice system reforms
- advise government of priority criminal justice policy issues
- lead and support evidence-based policymaking.

The office should be responsible to a suitably constituted board that includes representation from each of the core criminal justice agencies and independent experts.

Draft Recommendation 18

The Queensland Government should require the justice reform office to introduce the following specific reforms:

- common performance objectives and indicators across the core criminal justice agencies, including targets for:
 - reducing offending and reoffending rates, including for youth and women
 - closing the gap on Indigenous incarceration
- mechanisms for allocating resources to support system objectives
- systems to provide accurate and timely data to support decision-making, and improved transparency and accountability
- modelling that promotes understanding of how policy and other proposals are likely to impact across the system
- mechanisms to ensure decision-makers are informed of the full impacts of policy proposals on the criminal justice system, clients and stakeholders, such as:
 - incorporating justice system proposals into the existing regulatory impact assessment process
 - introducing a formal test to assess impacts across the criminal justice system.

These reforms are to be introduced within 24 months of the reform office's establishment.

Information request

The Commission is seeking comment on the appropriate governance mechanisms to improve policy and funding decision-making. In particular, comments are invited on what arrangements would best ensure that:

- government is advised of priority criminal justice reform issues
- justice system reforms are implemented and coordinated
- an environment conducive to evidence-based policy making is fostered.

Recidivism—trends and measurement

Information request

The Commission is seeking information on approaches, technical details and challenges associated with measuring and modelling recidivism, including:

- how recidivism indicators could be used to better measure performance
 - appropriate estimation approaches
 - how baseline performance should be established, including any modelling challenges.
-

Cost and benefits of imprisonment

Information request

There are net benefits from keeping the most serious offenders in prison. For other prisoners, the picture is less clear. An illustrative analysis of the costs and benefits of imprisonment suggests that the use of prisons for less serious offences is unlikely to provide net benefits at the margin. The Commission is seeking qualitative and quantitative evidence on all types of benefits and costs associated with serving custodial sentences in prison or in the community.

Released under RTI-DPC

Pages 88 through 89 redacted for the following reasons:

Exempt Sch.3(6)(c)(i) Parliament Privilege

Released under RTI - DPC

DIRECTOR-GENERAL'S BRIEFING NOTE

Criminal Justice PMO

Tracking Folder No. TF/18/15474

Document No. DOC/18/208587

To: Director-General
Date: 21/02/2019
Subject: Safer Communities Fund

Approved / Not Approved / Noted
Endorsed: [Signature]
Addressee: [Signature]
Date: 23.2.19

• RECOMMENDATION

It is recommended that you endorse the proposed approval process for use of funds under the *Safer Communities* program.

• KEY ISSUES

- Funding of \$5 million over two and a half years was approved Exempt Sch.3(2)(1)(b) Cabinet considerations for a Safer Communities Fund, to maintain and build on the momentum of the current Criminal Justice System Reform Framework (CJSRF) and Action Plan activities.
- The fund will support the delivery and evaluation of cohort and place-based initiatives aimed at reducing demand for criminal justice system services.
- The proposed guidelines and process for initiative assessment and funding allocation are provided at **Attachments 1** and **2**. These include:
 - o Development of proposals for consideration by the CJSRF Director-General (DG) Steering Committee and (if approved) progression to the Deputy Premier (DP) for review and endorsement.
 - o Initiatives progressed for approval by the Premier.
 - o Once initiative approved, the Program Management Office (PMO) to develop Letter of Engagement, detailing high-level milestones and reporting arrangements.
- The Letter of Engagement will be exchanged between the Department of the Premier and Cabinet (DPC) and the relevant agency/agencies confirming the administrative arrangements for each initiative, including:
 - o reporting requirements
 - o accountability for delivery/use of funds
 - o management of potential conflicts of interest
 - o *Information Privacy Act 2009* compliance
 - o management of breaches.
- Funding will be allocated directly to line agencies to fund relevant initiatives/service providers. Line agencies will be responsible for directly administering the funds, and for managing the letters of agreement and contracts between service providers and agencies in line with their procurement and financial guidelines.
- Agencies will continue to report against high-level milestones through the PMO's CJSRF Program Management Methodology.
- It is anticipated that DG Steering Committee, DP endorsement and Premier approval of proposed initiatives be progressed from February 2019, allowing for agencies to be allocated funding as of March 2019 (noting that the funding of \$5 million will be allocated over two and a half years, commencing with an allocation of \$2 million in 2018/19).

• ELECTION / CABINET / PUBLIC COMMITMENTS

- The Government is implementing a five-year program of Criminal Justice System Reform. The program aligns with the *Our Future State: Advancing Queensland's Priorities*, 'keep communities safe'.
- There has been no public announcement relating to the CJSRF or the establishment of the PMO.

Action Officer: Emma Ogilvie
Area: Program Management Office
Telephone: 300 39228

Approvals by Director / ED / DDG
documented in notes in TRIM

DIRECTOR-GENERAL'S BRIEFING NOTE
Criminal Justice PMO

Tracking Folder No. TF/18/15474
Document No. DOC/18/208587

establishment of the PMO.

• **CONSULTATION**

- Procurement, Finance and Legal Services within DPC have been consulted on the proposed process for allocating funding and their feedback has been incorporated.
- Stakeholder agencies were consulted on the establishment of the fund through the 2018/19 MYFER process, including the Queensland Police Service, the Department of Justice and Attorney-General, Queensland Corrective Services, Queensland Health, and the Department of Housing and Public Works.

• **BACKGROUND**

- Funding of \$5 million over two and a half years was approved for a *Safer Communities* funding package to support the implementation and evaluation of immediate cohort- and place-based initiatives targeted at reducing demand, for implementation in late 2018/early 2019.

Exempt Sch.3(2)(1)(b) Cabinet considerations

CTPI - Personal Information

Christine Castley
Deputy Director-General
CJSRF Program Management
Office

Comments

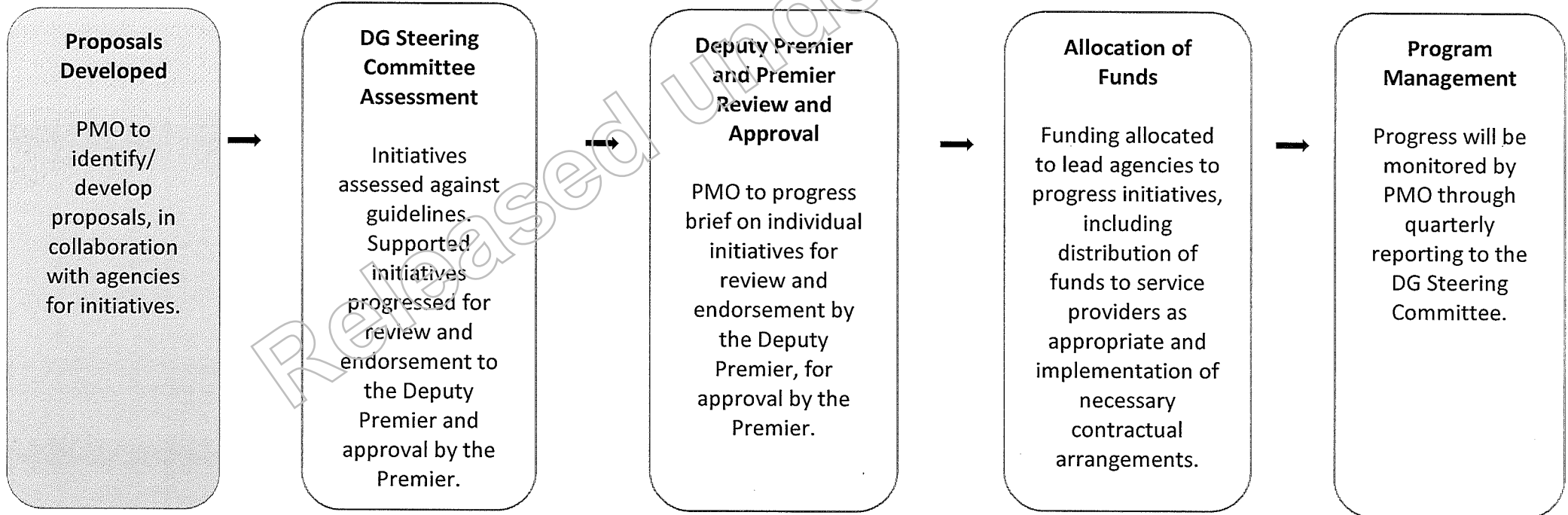
Released under RTI/ATIP

Attachment 1 - SAFER COMMUNITIES FUND

APPROVAL AND ASSESSMENT PROCESSES

Safer Communities Fund, Program Management Office (PMO), Department of the Premier and Cabinet.

- The Safer Communities Fund will support immediate implementation of priority Criminal Justice System Reform Framework (CJSRF) initiatives approved by the Director-General (DG) Steering Committee, together with any necessary responses arising from the Crime and Corruption's Taskforce Flaxton Report, the Independent Townsville Champion's Report, the Productivity Commission Inquiry into Imprisonment and Recidivism and the *Keeping Communities Safe* Roadmap.
- Funding will be targeted at initiatives that meet a core set of principles, namely:
 - o **Whole-of-system thinking**, i.e. the initiative proposes a complete solution across agencies and service delivery partners.
 - o **Whole-of-system impacts** have been identified and factored into the design of the initiative, including any adverse impacts on other parts of the justice system.
 - o **Financial sustainability** of the initiative, including commitment of existing agency resources and understanding of financial impacts across the system.
 - o **Evidence-based approach**, i.e. design of initiative supported by data and research, with identified success measures and evaluation plan.
 - o **Continuous improvement**, including built-in processes to ensure ongoing incremental effort to ensure achievement of best possible outcomes.
 - o **Addresses over-representation of Aboriginal Peoples and Torres Strait Islander Peoples**, with culturally appropriate measures included in the initiative where appropriate.
- The fund will include a focus on partnering with non-government providers, Aboriginal and Torres Strait Islander organisations, and research institutes.



Attachment 2

Safer Communities funding package – guidelines

Criminal Justice System Reform Framework

Released under RTI - DPC

Purpose

This document outlines the approach to administering the *Safer Communities* funding package as part of Stage 2 of the Criminal Justice System Reform Framework (CJSRF).

Background

The CJSRF's objective is to keep communities safe and reduce demand on the criminal justice system through a sustainable whole-of-system approach.

Objective

A *Safer Communities* discretionary funding package has been established to fund the delivery of innovative place- and cohort-based solutions to address the underlying drivers of offending and reoffending.

While preference will be given to initiatives targeted at working with adults in contact with, or at risk of coming into contact with, the criminal justice system, consideration will also be given to initiatives related to young people at risk of transitioning into the adult system.

Funding available

The allocation and quantum of funding to be allocated will be on the recommendation of the Director-General (DG) Steering Committee, endorsement by the Deputy Premier and Treasurer, and final approval by the Premier.

Criteria

Initiatives will be selected based on an assessment of the ability to deliver services in accordance with six core service delivery principles:

- **Whole-of-system thinking**, i.e. the initiative proposes a complete solution across agencies and service delivery partners, reflects a cross-functional delivery approach and adopts a co-designed approach.
- **Whole-of-system impacts** have been identified and factored into the design of the initiative, including mitigation of any adverse impacts on other parts of the justice system.
- **Financial sustainability** of the initiative, including commitment of existing agency resources, consideration of cross agency impacts and understanding of short, medium and long-term financial impacts across the system.
- **Evidence-based approach**, i.e. design of initiative supported by data and research, with identified success measures and evaluation plan.
- **Continuous improvement**, including built-in processes to ensure ongoing incremental effort to improve processes, address impediments and ensure achievement of best possible outcomes.
- **Addresses over-representation of Aboriginal Peoples and Torres Strait Islander Peoples**, with culturally appropriate measures included in the initiative where appropriate.

Outcomes will be assessed in terms of delivery against the CJSRF four hypotheses and demand measures (see *Appendix A*) which include:

- delivery of effective early intervention services which reduces the entry of offenders into the criminal justice system
- provision of early access to efficient justice system services which supports reductions in demand
- appropriate responses pre- and post-sentencing which reduce deeper entry and re-entry

into the justice system

- culturally informed application of the above three commitments which reduces the over-representation of Aboriginal peoples and Torres Strait Islander peoples in the criminal justice system.

Selection process

- The CJSRF Program Management Office (PMO) and criminal justice agencies will identify opportunities through the development of the CJSRF program of work.
- Initiatives will be identified by the Department of the Premier and Cabinet (DPC) against the funding program's selection criteria.

Approval process

- PMO will assess initiatives for their ability to deliver on the service delivery principles (above), and provide the CJSRF DG Steering Committee with:
 - recommendations on suitable initiatives/programs
 - recommendations on funding, scope, activities and outcomes.
- The Deputy Premier will endorse proposed initiatives for approval by the Premier
- The Premier will give final approval for initiatives to be funded.
- The Deputy Director-General, PMO, will be responsible for allocating funding to relevant lead agencies.

Agency Administration

Funding will be allocated directly to agencies to fund relevant initiatives/service providers.

An engagement letter will be documented between DPC and the relevant agencies, establishing the relevant management and reporting arrangements for each initiative, including:

- a. reporting requirements
- b. accountability for delivery/use of funds
- c. management of potential conflicts of interest
- d. *Information Privacy Act 2009* compliance
- e. breaches.

Line agencies will be responsible for directly administering the funds with service providers, and for managing the letters of agreement and contracts between the service provider and agency in line with their procurement and financial management guidelines.

Line agencies will also be responsible for determining and overseeing the conditions of funding and agreed outputs for the funding provided, in adherence with the agreed CJSRF principles and outcomes.

It is anticipated that successful organisations will be required to:

- enter into a Letter of Agreement with the lead agency as representative of the Government
- obtain all appropriate documentation, for example, permits, approvals and insurance covers relating to the project for which the funding has been awarded, including at least \$10 million cover for public liability
- use the funding for the purpose for which it was awarded
- fulfil the reporting requirements

- return all unspent funds and repay funds spent on purposes not approved by the date of acquittal
- ensure the State is granted an appropriate license to use, reproduce and communicate to the public any works produced as a result of the project (if applicable).

Eligible items	Ineligible items
<p>Any item considered essential in the delivery of innovative place- and cohort-based solutions to address the underlying drivers of offending and reoffending. Examples include:</p> <ul style="list-style-type: none"> • codesign • NGO FTEs • provision of temporary facilities • public liability insurance • motor vehicles expenses • installation of CCTV/lighting • development of brochures • evaluations. 	<p>Costs associated with government department for services that are considered part of their usual/normal operational expenses (including agency FTEs).</p> <p>Costs associated with local authorities or current service providers for services that are considered part of their usual/normal operational expenses.</p>

Letters from line agencies to successful organisations will contain details of any specific conditions attached to the funding.

The funding amount will be GST exclusive.

Unspent funds will be returned to DPC for further utilisation within the Safer Communities Fund.

Evaluation and reporting

All funding agreements will include requirements regarding the evaluation and reporting of funded initiatives. Evaluation may include both process and outcomes.

Conditions will include that intellectual property in the results of evaluations does not vest in funded bodies but may be used by the Government in the design and delivery of future initiatives.

Overview of Key Expected Outcome Areas

Core Premise

Hypotheses

Measures

Demand

Leading Indicators

THROUGH TARGETED INTERVENTIONS AT TRANSITION POINTS, WE CAN MATERIALLY REDUCE DEMAND

- H1: THROUGH EARLY INTERVENTION WE CAN PREVENT ENTRY OF OFFENDERS INTO THE SYSTEM (SOURCE)
- H2: WE CAN ENSURE EARLY ACCESS TO JUSTICE BY PROVIDING EFFICIENT AND EFFECTIVE PATHWAYS, SUPPORTING THE REDUCTION IN DEMAND
- H3: THROUGH TARGETED RESPONSES PRE & POST SENTENCING WE CAN REDUCE RE-ENTRY INTO THE SYSTEM
- H4: THROUGH FOCUSED PROGRAM OF H1 H2 H3 WE CAN MATERIALLY REDUCE INDIGENOUS OVER-REPRESENTATION

	Police	Courts	Corrections
Time	M1	M4	M7
Volume	M2	M5	M8
Cost	M3	M6	M9

Prevention	Early Intervention & de-escalation	Cautioning	Diversions Programs	Ticketing	Recidivism		
M10	M11	M12	M13	M14	M31		
Bail	Time in Remand	Bail Support participation	Legal Representation	Early Resolution	Sentences	Parole	Recidivism
M15	M16	M17	M18	M19	M20	M21	M31
Health Participation	Specialist Courts	Re-entry Services	Housing Participation	Employment Participation	Program Participation	Recidivism	
M22	M23	M24	M25	M26	M27	M31	
Representation in Police	Representation in Courts	Representation in Corrections				Recidivism	
M28	M29	M30				M31	

Guiding Principles

- Whole of System Impacts
- Financial Sustainability
- Whole of System Thinking
- Evidence Led Approach
- Continuous Improvement
- Over Representation

PREMIER'S BRIEFING NOTE

Criminal Justice PMO

Tracking Folder No. TF/19/5223

Document No. DOC/19/103540

To: **THE PREMIER**

Date: **31 MAY 2019**

Subject: **Youth Justice Program Management Office Adjustment**

Approved / Not Approved / Noted

Premier / CoS.....

Date **30/5/19**.....

Date Action Required by:/...../.....

Requested by:
(if appropriate)

• RECOMMENDATION

It is recommended that you:

- **approve** program management and reporting arrangements for the Youth Justice Program Management Office (YJ PMO)
- **sign** the letter to the Honourable Di Farmer MP, Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic and Family Violence advising of this decision (**Attachment 1**).

• KEY ISSUES

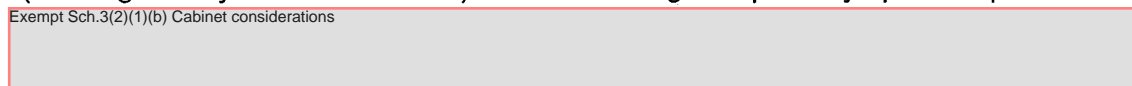
- Exempt Sch.3(2)(1)(b) Cabinet considerations



- On 17 May 2019, the Queensland Government announced the establishment of the Department of Youth Justice (DYJ).
- It is recommended that youth justice program management and reporting arrangements be implemented as follows, to take account of the responsibilities of the new department:

- o A YJ PMO function to be established in the DYJ, with responsibility for program management and timely delivery of the recently announced initiatives, infrastructure builds, Intervention Plan, and Youth Justice Strategy Action Plan. To support this function, the 1 x SES 2 Project Leader and 2 x AO8 Project Officer positions over two years (with 1 of the AO8 positions to be seconded from DCSYW) will be allocated to the DYJ, together with \$250,000 in consultancy costs.
- o DPC, through the Criminal Justice System Reform Framework Program Management Office (CJSRF PMO), to coordinate reporting and whole-of-government governance arrangements. This will include lead responsibility (working closely with the YJ PMO) for coordinating the quarterly update reports to

Exempt Sch.3(2)(1)(b) Cabinet considerations



Exempt Sch.3(2)(1)(b) Cabinet considerations

To support this function, the 1 x AO4 Administration and Project Support position will be allocated to the CJSRF PMO in DPC.

Action Officer: Scott Mathewson, Principal Policy Off
Area: Criminal Justice PMO
Telephone: 3003 9466

Approved by Christine Castley, Deputy Director-General
Criminal Justice PMO
Telephone: 300 39717
Approved on:

PREMIER'S BRIEFING NOTE

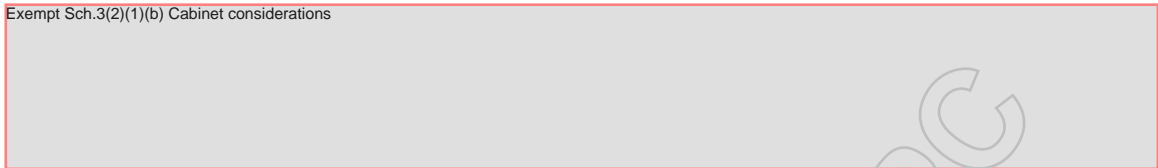
Criminal Justice PMO

Tracking Folder No. TF/19/5223

Document No. DOC/19/103540

- Monthly progress reports on progress with youth justice reform initiatives will be provided to the CJSRF Director-General Steering Committee and ensure cross-government Director-General engagement in the program of work.

Exempt Sch.3(2)(1)(b) Cabinet considerations



• CONSULTATION

- Chief of Staff to Minister Farmer and Mr Bob Gee, Director-General, Department of Youth Justice.

• BACKGROUND

- On 30 April 2019, Minister Farmer announced a \$320 million funding package for Youth Justice.
- On 17 May 2019, you issued a joint statement with Minister Farmer announcing the decision to appoint Mr Bob Gee to lead a new Department of Youth Justice.

Comments *(Premier or DG)*


Rachel Hunter
Acting Director-General



Premier of Queensland
Minister for Trade

For reply please quote: *CJSRFPMO/SM – TF/19/5223 – DOC/19/102772*

- 3 JUN 2019

The Honourable Di Farmer MP
Minister for Child Safety, Youth and Women and
Minister for the Prevention of Domestic and Family Violence
childsafety@ministerial.qld.gov.au

1 William Street Brisbane
PO Box 15185 City East
Queensland 4002 Australia
Telephone +61 7 3719 7000
Email ThePremier@premiers.qld.gov.au
Website www.thepremier.qld.gov.au

Dear Minister 

I refer to the Government's recent decision to establish a new Department of Youth Justice (DYJ).

The decision to establish a new department follows the Government's announcement of a record \$320 million investment in Queensland's youth justice system for the expansion, construction and staffing of new youth detention centres, as well as a range of initiatives across the whole sector aimed at reducing youth offending and reoffending. Establishment of the new department ensures the necessary focus on delivering infrastructure, policy, and practice changes across the youth justice system.

Exempt Sch.3(2)(1)(b) Cabinet considerations

In light of the decision to establish the DYJ, I have approved implementation of the program management and reporting arrangements to take account of the responsibilities of the new department.

Exempt Sch.3(2)(1)(b) Cabinet considerations

I propose that the arrangements for program management and reporting be as follows:

- A YJ PMO function to be established in DYJ, with responsibility for program management and timely delivery of the recently announced initiatives, infrastructure builds, Intervention Plan, and Youth Justice Strategy Action Plan. To support this function, the 1 x SES 2 Project Leader and 2 x AO8 Project Officer positions over two years (with 1 of the AO8 positions to be seconded from DCSYW) will be allocated to the DYJ, together with \$250,000 in consultancy costs.

- DPC, through the Criminal Justice System Reform Framework Program Management Office (CJSRF PMO), to coordinate reporting and whole-of-government governance arrangements. This will include lead responsibility (working closely with the YJ PMO) for coordinating the quarterly update reports to Exempt Sch.3(2)(1)(b) Cabinet considerations
Exempt Sch.3(2)(1)(b) Cabinet considerations
Exempt Sch.3(2)(1)(b) Cabinet considerations To support this function, the 1 x AO4 Administration and Project Support position will be allocated to the CJSRF PMO in DPC.

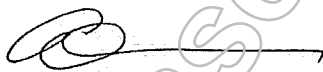
What this ongoing connection between the YJ PMO and the CJSRF PMO will mean is that the YJ PMO will report monthly to the CJSRF Director-General Steering Committee. This will provide a mechanism to ensure cross-government Director-General engagement in the critically important cross-agency collaboration required to deliver the necessary reforms to youth justice policies and practices.

I also ask that the Director-General of DYJ work with the CJSRF PMO to ensure ongoing regular engagement with key oversight bodies, to ensure that they are briefed on progress of work on the youth justice reform agenda. This includes continuation of the quarterly Youth Detention Oversight Bodies meeting that has, to date, been convened by DPC.

I request that the final arrangements to facilitate the establishment of the YJ PMO and associated governance arrangements, be agreed and actioned by the Directors-General of DYJ and DPC as a matter of urgency.

If your officers would like to discuss this information or need more details, please contact Ms Christine Castley, Deputy Director-General, CJSRF PMO, DPC by email at christine.castley@premiers.qld.gov.au or on telephone (07) 3003 9717.

Yours sincerely



**ANNASTACIA PALASZCZUK MP
PREMIER OF QUEENSLAND
MINISTER FOR TRADE**

Pages 102 through 121 redacted for the following reasons:
-----CTPI - Deliberative Process of Government & Ability to Obtain Confidential
Information

Released under RTI - DPC

PREMIER'S BRIEFING NOTE

Criminal Justice PMO

Tracking Folder No. TF/19/8004

Document No. DOC/19/157068

To: THE PREMIER
Date: 13 AUG 2019
Subject: Queensland Productivity Commission Inquiry into Imprisonment and Recidivism final report and Government response

Approved / Not Approved / Noted
Premier / CoS..... <i>[Signature]</i>
Date 22/8/19
Date Action Required by:/...../.....
Requested by: (if appropriate)

RECOMMENDATION

Burna, Premier approved

It is recommended that you:

- note that the Queensland Productivity Commission (QPC) delivered the final report (the Report – (Attachment 1) which is a summary report of the full report (Attachment 2)) of its Inquiry into Imprisonment and Recidivism (the Inquiry) to the Deputy Premier, Treasurer and Minister for Aboriginal and Torres Strait Islander Partnerships, the Honourable Jackie Trad MP, on 1 August 2019
- approve limited circulation of the Report to relevant Queensland Government agencies for the purposes of preparing a Government Response
- approve a submission on the proposed Government Response to the Report being brought to Cabinet for consideration on 2 December 2019.

KEY ISSUES

- The Report was delivered to the Deputy Premier on 1 August 2019. Legislation provides the Queensland Government six months to respond before the Report is published.
- The Report makes 42 recommendations to reduce imprisonment and recidivism, improve outcomes, reduce costs and keep communities safer. Initiatives include:
 - o Establishing an independent statutory authority (the Justice Reform Office) to drive whole-of-system criminal justice sector reform (recs 1–4)
 - o Reducing the scope of criminal offences, including reforming drug laws to create a regime of legalised and regulated supply and possession (recs 5–7)
 - o Expanding sentencing (recs 8–13) and diversionary (recs 34–36) options, including the use of restorative justice, non-custodial sentences, therapeutic responses, adult cautioning, deferred prosecution and local policing plans
 - o Improving remand and bail practices and usage (recs 14–17)
 - o A suite of measures to improve rehabilitation, reintegration and infrastructure planning in the corrective services system (recs 18–29), including measures overlapping with existing Queensland Parole System Review and Taskforce Flaxton reform agendas
 - o Prevention and early intervention initiatives, including justice reinvestment, exploring disengagement from schooling, preventative approaches to child sex abuse and programs to support the children of prisoners (recs 30–33)
 - o Addressing Aboriginal peoples and Torres Strait Islander peoples' overrepresentation, including through service delivery reform, local justice agreements, supporting economic development and a new approach to alcohol management in discrete communities (recs 37–42).

Action Officer: Sebastian Keim
Area: CJSRF PMO
Telephone: 3003 9377

Approved by Christine Castley, Deputy Director-General
Criminal Justice PMO
Telephone: 300 39717

Approved on: *Approved via TRM*

- Your approval is requested to circulate report documents to government agencies in order to facilitate development of a Government Response and to bring a submission to Cabinet on 2 December 2019. This will align with the Criminal Justice System Reform Framework (CJSRF) report back to Cabinet, which will include implementation of the forward work plan and associated outcomes.
- There is a substantial alignment between the CJSRF forward work plan and the objectives of key report recommendations. Therefore, CJSRF initiatives may serve as a foundation for the Government Response.
- Nevertheless, there are issues raised by the Report that have not been contemplated by the Queensland Government. These include major proposals such as the creation of the Justice Reform Office, and recommendations to reform drug laws, as well as smaller scale but specific proposals, such as recommendations to commission particular reviews, and consider specific legislative amendments and structural reforms.
- The Department of the Premier and Cabinet (DPC) will work with agencies to develop options to respond to recommendations in the context of a coherent, holistic and reform-minded response.
- DPC also proposes inviting the QPC to present to the Criminal Justice System Reform Directors-General Steering Committee on 29 August 2019, to provide a cross government briefing on the breadth of the recommendations. This Committee is chaired by the Director-General, DPC, and comprised of Queensland Treasury; Queensland Police Service; Department of Justice and Attorney-General; Queensland Corrective Services; Department of Youth Justice; Department of Child Safety, Youth and Women; and Department of Aboriginal and Torres Strait Islander Partnerships.

• CABINET COMMITMENTS

- Exempt Sch.3(2)(1)(b) Cabinet considerations

• CONSULTATION

- Social Policy DPC and Queensland Treasury

• BACKGROUND

- The Queensland Government directed QPC to undertake the Inquiry in September 2018.


Rachel Hunter
Acting Director-General

Comments (Premier or DG)

DEPUTY DIRECTOR-GENERAL'S BRIEFING NOTE
Corporate and Government Services

Tracking Folder No. TF/19/8739

Document No. DOC/19/167222

To: Deputy Director-General
Date:
Subject: Approval to engage Calcutta Group to provide specialist agile program management to support the criminal justice system reform program of works

Approved / Not Approved / Noted

Addressee

Date

• **RECOMMENDATION**

It is recommended that you

- **approve** the engagement of Calcutta Group to provide specialist agile program management support to the Criminal Justice System Reform Framework Program Management Office (PMO) at a total cost of \$350 000 (exclusive of GST).
- **note** the PMO has sufficient funds for this procurement activity from the PMO cost centre 4101203.

• **KEY ISSUES**

- Queensland is undertaking system-wide reform of the criminal justice system, targeted at addressing overcrowding in the corrective services system, addressing demand pressures in courts, reducing offending and recidivism and reducing victimisation.
- Through the 2019-20 Budget, Exempt Sch.3(2)(i)(b) Cabinet considerations
Exempt Sch.3(2)(1)(b) Cabinet considerations
- The funding package forms the basis of the CJSRF forward program of work. The package is comprised of early intervention and diversion; adequate legal representation; court efficiency and effectiveness reforms; court support options; remand and bail-based interventions; therapeutic throughcare responses.
- Exempt Sch.3(2)(1)(b) Cabinet considerations
- Key priorities for the PMO over the 12 months include progressing the forward program of work with a report back to in December 2019, embedding whole-of-system responses to the criminal justice system demand pressures, and developing a whole-of-government response to the Cabinet Queensland Productivity Commission final report (scheduled for release in August 2019). The PMO is also required to provide a status update to the 2019 Mid Year Fiscal and Economic Review (MYFER) process.
- The program of work is complex and intensive and will require a rigorous and agile program management methodology to ensure that the program of work is successfully delivered.
- Due to the constrained timeframe to continue and implement the CJSRF forward program of work, the role of the proposed consultants will support the CJSRF through their specialist project management skills using an Agile operating model to expedite program delivery and increase momentum of the PMO.

Action Officer: Loan Phan
Area: CJSRF PMO
Telephone: 3003 9244

Approvals by Senior Director documented
in notes in TRIM

DEPUTY DIRECTOR-GENERAL'S BRIEFING NOTE
Corporate and Government Services

Tracking Folder No. TF/19/8739
Document No. DOC/19/167222

- A Significant Procurement Plan (SPP) has been developed to ensure transparency in the procurement activity (**Attachment 1**). The SPP was approved by the Deputy Director-General PMO.
- The PMO sourced three quotes from the Whole of Government Standing Offer Arrangements for the provision of Professional Services (Agile Project/Program Management Services) QGP0050-18 T5.
- The Evaluation Panel met on 20 August 2019 and it was agreed that Calcutta Group is the successful supplier to support the PMO in delivering the program of works.
- A Tender Evaluation Report has been developed to ensure that decisions taken during the evaluation process is defensible (**Attachment 2**).

• **ELECTION / CABINET / PUBLIC COMMITMENTS**

- The Government is implementing a five-year program of Criminal Justice System Reform.
- The program aligns with the Our Future State: Advancing Queensland's Priorities targets, under the objective of 'keeping communities safe'.

• **CONSULTATION**

- PMO has consulted with Procurement Services within DPC.

• **BACKGROUND**

- On 6 August 2018, cabinet endorsed the CJSRF to drive the sustainable, system level reform necessary to address the significant pressures on Queensland's criminal justice system.
- A PMO has been established within DPC to facilitate a coordinated body of work that will (1) set the direction of future whole-of-Government reform for the criminal justice system; (2) support cross-agency development and implementation of system-wide, place and cohort-based initiatives in community; and (3) embed shared program design, delivery and accountability for specific identified initiatives.

CTPI - Personal Information



~~Christine Castley~~
Deputy Director-General
Criminal Justice Program
Management Office and
Strategy and Engagement

Comments

Empty box for comments.

Action Officer: Loan Phan
Area: CJSRF PMO
Telephone: 3003 9244

Approvals by Senior Director documented
in *notes* in TRIM

Contract Number and Name of Contract

DPC-29-2019 – Criminal Justice System Reform

SOA number

QGP0050-18

Is this an ICT procurement? **Project Description and Background**

Queensland is undertaking system-wide reform of the criminal justice system, targeted at addressing overcrowding in the corrective services system, addressing demand pressures in courts, reducing offending and recidivism and reducing victimisation.

Key outcomes and achievements from the Stage 1 workplan include:

- o pilots commenced to increase police use of general adult cautioning for specific offences with a focus on place and cohorts (e.g. trialling the use of infringement notices for 'unauthorised dealing with shop goods' offences in Logan, a state-wide trial for failing to complete a drug diversion program and an Indigenous cautioning pilot in Rockhampton);
- o state-wide rollout of SMS reminders for adult defendants on bail before the Magistrates Court, expansion of Court link to Ipswich and Southport and an early resolution pilot by the Director of Public Prosecutions, focused on timely resolution of indictable criminal matters;
- o Implementation of an Opioid Substitution Treatment (OST) program and progression of adult prison bail reforms for both male and female prisoners, including prisoners on remand being assessed for bail eligibility, and the provision of housing support to assist women transitioning from remand to bail; and
- o Exempt Sch.3(2)(1)(c) - State budgetary processes

Exempt Sch.3(2)(1)(b) Cabinet considerations

Key priorities for the PMO over the coming 12 months include progressing the forward program of work

Exempt Sch.3(2)(1)(b) Cabinet considerations

Exempt Sch.3(2)(1)(b) Cabinet considerations

and developing a whole-of-government response to the Queensland Productivity Commission final report (scheduled for release in August 2019). The PMO is also required to provide a status update to the 2019 Mid Year Fiscal and Economic Review (MYFER) process.

In addition, the PMO will continue to facilitate a coordinated body of work to (1) set the direction of future whole-of-Government reform for the criminal justice system; (2) support cross-agency development and implementation



Queensland
Government

of system-wide, place and cohort-based initiatives in community; and (3) embed shared program design, delivery and accountability for specific identified initiatives.

How does the procurement support DPC's Procurement Objectives?

Through the proposed procurement process, it is anticipated that the following procurement objectives will be achieved:

- a. *Contribution to the effectiveness of the organisation's primary activities* by engaging specialist experts using Agile methodology and program practices. This also gives an opportunity for upskilling and building further capability within the DPC workforce in Agile practices.
- b. *Controlling and reducing procurement related costs* by procuring the proposed contractor for approximately seven months and drawing on their experience of delivering enterprise level Agile programs within the Queensland Government.
- c. *Reducing the organisations risk exposures in relation to its supply markets*, through a clear understanding of the supply market and engaging with it transparently.
- d. *Identifying and realising opportunities for innovation through effective management*, by upskilling the DPC workforce in Agile practices and processes which is likely to yield broader workforce capability benefits.

What is the demand for the procurement?

Queensland courts are experiencing the highest numbers of criminal lodgements of any jurisdiction in Australia and the number of defendants on remand are increasing. Queensland's courts are stretched, and Aboriginal and Torres Strait Islander people are over-represented in all parts of the system.

Exempt Sch.3(2)(1)(b) Cabinet considerations

DPC is leading the CJSRF program of work across the Queensland Government, to drive coordinated reform to effectively and sustainably manage future demand, reduce remand numbers and refocus on diversion and prevention. This is essential to embedding whole-of-system thinking and use of data, evidence, forecasting and measurements in agencies' core business and to inform future government investment. The program of work is complex and intensive and will require a rigorous and agile program management methodology to ensure that the program of work is successfully delivered, on time.

Due to the constrained timeframe to continue and implement the CJSRF forward program of work, the role of the proposed contractors will support the CJSRF through their specialist project management skills using an Agile operating model to expedite program delivery and increase momentum of the PMO.

The proposed contractors will continue to support sustainable long-term program implementation and will include high delivery of detailed program planning, facilitation of cross agency workshops, facilitation of team development, tracking and reporting. This more impactful approach to program implementation will be characterised by iterative, fast paced delivery, greater cross agency collaboration, increased transparency, greater accountability for outcomes, and enhanced integration across the criminal justice system.

How many quotes have you sourced?

Three (3)

What is your procurement strategy?

The PMO will select the goods and services from the Standing Offer Arrangement (SOA) and will progress with a Request for Quote (RFQ) to identify a suitable supplier to deliver specialist agile methodology.

Have you analysed the market?

Yes, after analysis it was decided to use the Whole of Government Standing Offer Arrangement for the provision of Professional Services (Agile Project/Program Management Services) QGP0050-18 T5.

What are your performance measures?

Milestone 1 – Delivery and Acceptance of Detailed Project Plan
 Milestone 2 – Set Direction to Implement and evaluation program
 Milestone 3 – Delivery of Final Report

What are your contract management arrangements?

Emma Oglivie, Senior Director Criminal Justice Reform Program Management Office will be responsible for monitoring the performance of this project through regular fortnightly meetings.

Have you completed a risk assessment?

Yes, a full risk assessment has been conducted.

What is the estimated value of the procurement?

\$250,000 (exclusive of GST)

Have you considered the evaluation criteria?

Yes
 Supplier capability and capacity
 Relevant experience
 Resources
 Local benefit test

Additional information to support the procurement

N/A



Prepared by:

Name: Loan Phan
Position: Policy Officer
Date: 19/07/2019
Signature: _____

CTPI - Personal Information

Contract Manager:

Name: Emma Oglvie
Position: Senior Director
Date: 19/07/2019
Signature: _____

CTPI - Personal Information

Deputy Director-General
Approved/Not Approved:

Name: Christine Castley
Position: Deputy Director-General
Date: 19/07/2019
Signature: _____

CTPI - Personal Information

Endorsed by Procurement:

Name: Mandy Marquis
Position: Principal Procurement Officer
Date: 20/07/2019
Signature: _____

CTPI - Personal information





COMMERCIAL-IN-CONFIDENCE

Tender Evaluation Report

Department of the Premier and Cabinet

DPC-29-2019 Criminal Justice System Reform

Released under RTI DPC



Queensland
Government

COMMERCIAL-IN-CONFIDENCE

1. RECOMMENDATION

1.1 The Evaluation Panel for the Criminal Justice System Reform recommends that offers from the following company is accepted:

- Calcutta Group

Total project funding approval of \$350 000 (exclusive of GST) required.

Tender responses can be viewed at: DOC/19/159971 (5D Consulting), DOC/19/158866 (Calcutta Group) and DOC /19/158867 (PricewaterhouseCoopers (PWC) Australia).

2. INTRODUCTION

2.1 Background

Queensland is undertaking system-wide reform of the criminal justice system, targeted at addressing overcrowding in the corrective services system, addressing demand pressures in courts, reducing offending and recidivism and reducing victimisation.

Key outcomes and achievements from the Stage 1 workplan include:

- o pilots commenced to increase police use of general adult cautioning for specific offences with a focus on place and cohorts (e.g. trialling the use of infringement notices for 'unauthorised dealing with shop goods' offences in Logan, a state-wide trial for failing to complete a drug diversion program and an Indigenous cautioning pilot in Rockhampton);
- o state-wide rollout of SMS reminders for adult defendants on bail before the Magistrates Court, expansion of Court link to Ipswich and Southport and an early resolution pilot by the Director of Public Prosecutions, focused on timely resolution of indictable criminal matters;
- o implementation of an Opioid Substitution Treatment (OST) program and progression of adult prison bail reforms for both male and female prisoners, including prisoners on remand being assessed for bail eligibility, and the provision of housing support to assist women transitioning from remand to bail; and

o Exempt Sch.3(2)(1)(c) - State budgetary processes

Exempt Sch.3(2)(1)(b) Cabinet considerations

Key priorities for the PMO over the coming 12 months include progressing the forward program of Exempt Sch.3(2)(1)(b) Cabinet considerations and developing a whole-of-government response to the Queensland Productivity Commission final report (scheduled for release in August 2019). The PMO is also required to provide a status update to the 2019 Mid Year Fiscal and Economic Review (MYFER) process.

In addition, the PMO will continue to facilitate a coordinated body of work to (1) set the direction of future whole-of-Government reform for the criminal justice system; (2) support cross-agency development and implementation of system-wide, place and cohort-based initiatives in community; and (3) embed shared program design, delivery and accountability for specific identified initiatives.

2.2 Objectives

The objective is to engage the successful supplier to provide support and specialist program management skills using agile operating model to expedite CJSRF program delivery and increase momentum of the PMO.

The supplier will continue to support sustainable long-term program implementation and will include high level delivery of detailed program planning, facilitation of cross agency workshops, facilitation of team development, tracking and reporting.

2.3 Offer Screening

All offers were screened by Procurement Services.

3. INVITATION PROCESS

3.1 Invitation

Offers were invited for the Criminal Justice System Reform Program Management via Procurement Services within the Department of the Premier and Cabinet on 7 August 2019.

4. OFFERS RECEIVED

4.1 Offers closed at 2.00pm, 7 August 2019. Offers were received from the following organisations:

- CTPI - Business Affairs
- Cajcutta Group
- CTPI - Business Affairs

5. EVALUATION PANEL

5.1 The Evaluation Panel consisted of the following staff:

- | | |
|------------------------------------|--|
| a) Christine Castley (Panel chair) | Deputy Director-General, PMO |
| b) Emma Ogilvie (Panel member) | Senior Director, PMO |
| c) Samantha Newman (Panel member) | Executive Director, Queensland Corrective Services |



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6. EVALUATION PROCESS

The evaluation process was conducted in accordance with the approved Evaluation Plan (DOC/19/158843).

6.1 Vendor presentation

The Evaluation Panel conducted vendor presentation on Tuesday 20 August 2019 with each shortlisted respondent to further review the submitted offers.

The suppliers prepared a 10-minute presentation followed by a 20-minute meeting discussion. The suppliers were asked to:

- Introduce team members and outline their experience
- Expand on your proposed methodology for supporting the forward program of work
- Discuss the expertise you can bring to the PMO, and how you would build upon the work progressed to date
- Clarify issues relating to fees

6.2 Evaluation of Offers:

Following the vendor presentation, the Evaluation panel moderated the scoring and it was identified that Calcutta Group is the successful supplier to support the PMO in delivering the program of works. The final evaluation scores are provided at attachment A.

Offer Number 1: Calcutta Group

- Supplier Capability and Capacity:* Exceeds requirements. The supplier shows good balance on both aspects of business as usual and transformation, with good indication of need to apply maturity model. The Supplier has demonstrated an understanding of the desired methodology and notes the need for flexible approach. The supplier provided a detailed proposal and clearly demonstrated this in their presentation.
- Relevant Experience:* Exceeds requirements. The supplier has solid experience across a range of government departments. The supplier demonstrated clear and specific agile capability with a great understanding of government processes.
- Resources:* Exceeds requirements. The supplier has identified appropriate resourcing with skilled personnel identified in agile program management, planning and performance. During the presentation, the suppliers expanded on their skills and experience and what they can bring to the PMO to deliver the program of works. The suppliers understand the need for flexibility when working with the PMO.
- Local Benefit Test:* Meets requirements. The supplier provided good detail in the proposal recognizing the importance of specialist community understanding.

Offer Number 2: CTPI - Business Affairs

CTPI - Business Affairs



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CTPI - Business Affairs



Offer Number 3: CTPI - Business Affairs
CTPI - Business Affairs

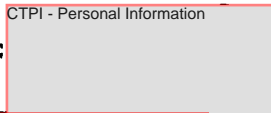


All members of the Evaluation Panel have indicated that they support the recommendations detailed in this report.

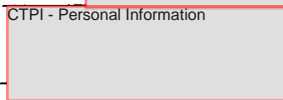
Procurement Services maintains a comprehensive file on the procurement process to ensure probity and accountability of outcomes.

This report has been reviewed by the Principal Procurement Advisor. The process described above is in accordance with Agency Procurement Policy and Guidelines.

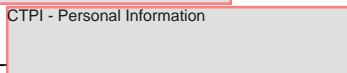
Approval from the Evaluation Panel:



Christine Castley, Panel Chair



Emma Ogilvie, Panel Member



Samantha Newman, Panel Member



Queensland
Government

COMMERCIAL-IN-CONFIDENCE

Endorsed by procurement services

Name: Mandy Marquis

Position: Principal Procurement Advisor

Signature: CTPI - Personal Information

Date: 26/8/19 /

Note, all members were asked to declare any conflicts of interest prior to being invited onto the panel. There were no conflicts for any member.

Released under RTI - DPC

ATTACHMENT A

COMMERCIAL-IN-CONFIDENCE

OFFER EVALUATION RATING SUMMARY

Agile Project/Program Management Services QGP0050-18 T5

Offer Number:DPC- 29-2019

Criteria	Name	Calcutta Group	
	\$ Value	\$305,360	
	Weight %	Score	Weighted Score
Supplier Capability and Capacity - Demonstrated skills, understanding of the brief, methodology (including opportunities for innovation and improvement), capacity building and ability to complete the specified requirements.	35 %	5	175
Relevant Experience - Experience in agile methodology and working with a range of stakeholders with diverse skill sets to collaboratively design and implement the criminal justice system reform program of works.	35 %	5	175
Resources - Demonstrated ability to deliver specific requirements, including within relevant timeframes, by personnel with appropriate expertise and manner suitable for DPC/ government environment.	20 %	5	100
Local benefit test - Demonstrated ability to bring benefits to the local area, particularly the engagement of a local workforce.	10 %	4	40
Total	100%	19	490
Value for Money = Total cost of offer/Total pts scored		16	623



ATTACHMENT A

COMMERCIAL-IN-CONFIDENCE

Numerical Scoring method:

5 = Exceeds requirements

4 = Meets requirements

3 = Meets requirements except for minor aspects

2 = Does Not meet requirements but may be adaptable

1 = Major non-compliance with requirements

Released under RTI - DPC

Pages 138 through 142 redacted for the following reasons:

Exempt Sch.3(2)(1)(c) - State budgetary processes

Released under RTI - DPC

DIRECTOR-GENERAL'S BRIEFING NOTE
Criminal Justice Program Management Office

Tracking Folder No. TF/19/7246

Document No. DOC/19/128866

To: **Director-General**
Date: **6 OCT 2019**
Subject: **Throughcare Advisory Committee**

Approved / Not Approved / Noted

Addressee

Date 16/10/19

• **RECOMMENDATION**

It is recommended that you:

- **approve** the establishment of an Expert Advisory Committee (the Advisory Committee) to support development of a whole-of-Government throughcare service delivery model, to ensure that it is responsive and reflective of best practice
- **approve** that the Advisory Committee be chaired by the Deputy Director-General, Program Management Office (PMO), Department of the Premier and Cabinet (DPC), and comprised of the Director-General, Queensland Health (QH); the Commissioner, Queensland Corrective Services (QCS); Deputy Under-Treasurer, Queensland Treasury (QT); and five external members, chosen on the basis of their expertise in re-entry services, health provision and justice processes, these being:
 - o Professor Lorraine Mazerolle, University of Queensland
 - o Dr Mark Wenitong, Apunipima Cape York Health Council
 - o Professor Stuart Kinnear, University of Melbourne
 - o Professor Bruce Western, Columbia University
- **note** the Advisory Committee is a limited life body proposed to operate for 12 months, therefore in accordance with the *Queensland Cabinet Handbook*, a Significant Appointment submission is not required.

• **KEY ISSUES**

- The Queensland Government has provided funding of \$900,000 as part of the 2019–20 budget to develop a whole-of-Government throughcare service delivery model for rehabilitation and remand programs and services for remandees, prisoners and offenders (including Opioid Substitute Treatment and mental health responses). This will include a new consolidated rehabilitation service strategy, the scope and design of tailored programs for remandees, and undertaking reviews and/or evaluations of existing programs to ascertain effectiveness.

Exempt Sch.3(2)(1)(b) Cabinet considerations

- It is proposed that an Advisory Committee be established to provide independent, expert advice about the proposed throughcare model for Queensland. This will include (but not be limited to):
 - o the appropriate nature and scope of the model
 - o effective packages of reforms, services and/or functions
 - o addressing the overrepresentation of Aboriginal peoples and Torres Strait Islander peoples
 - o the specific needs of vulnerable cohorts
 - o approaches to testing and evaluating ideas, initiatives and approaches
 - o embedding a model that recognises Queensland's geographic diversity
 - o integrating functions and services within existing delivery frameworks.
- The following nominees are recommended on the basis of their expertise in re-entry services, health provision and justice processes.
 - o Professor Lorraine Mazerolle, University of Queensland

Action Officer: Emma Ogilvie Approvals by Director / ED /DDG
Area: CJSRF PMO documented in *notes* in TRIM
Telephone:30039228

DIRECTOR-GENERAL'S BRIEFING NOTE
Criminal Justice Program Management Office

Tracking Folder No. TF/19/7246
Document No. DOC/19/128866

- o Dr Mark Wenitong, Apunipima Cape York Health Council
- o Professor Stuart Kinnear, University of Melbourne
- o Professor Bruce Western, Columbia University
- Biographies of the recommended nominees are provided at **(Attachment 1)**. Additional nominees for consideration are also listed at **(Attachment 1)**, and include

CTPI - Personal Information

Professor Cindy Shannon,

CTPI - Personal Information

CTPI - Personal Information

- It is not recommend that the Advisory Committee include any representatives who are direct service providers, as it may conflict them out of any future engagement in the model.
 - Subject to your approval, invitations will be sent to the recommended nominees, with the Advisory Committee proposed to be chaired by the Deputy Director-General, PMO, from DPC. The Director General, QH and Commissioner, QCS will also sit on the Advisory Committee as ex officio members.
 - Draft Terms of Reference are provided at **(Attachment 2)**, and include:
 - o appointment for a period of 12 months
 - o meeting up to four times over the course of the year, in person or via skype
 - o external members to be remunerated for meeting attendance (maximum of \$300 per meeting)
 - o secretariat support to be provided by DPC.
 - The proposed remuneration for external members in consistent with the *Remuneration Procedures for Part Time Chairs and Members of Queensland Government Bodies (Remuneration Procedures)*, level 3 Regulation, Administration and Advice daily meeting fees of \$300. In accordance with the Remuneration Procedures, Public Sector employees will not be remunerated. Suitability checks, will be undertaken once the nominees have been approved.
- **CONSULTATION**
 - The Director-General of QH and the Commissioner of QCS have both been consulted on the proposed list.
 - Appointments and Constitutional Services, DPC.
 - **BACKGROUND**

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Christine Castley
Deputy Director-General
CJSRF Project Management Office

Comments

Action Officer: Emma Ogilvie Approvals by Director / ED /DDG
Area: CJSRF PMO documented in *notes* in TRIM
Telephone:30039228

Attachment 1

Nominated Advisory Group Members

Professor Lorraine Mazerolle

Professor Lorraine Mazerolle is an Australian Research Council Laureate Fellow (2010–2015), a Professor of Criminology in the School of Social Science at the University of Queensland, and a Chief Investigator with the ARC Centre of Excellence for Children and Families over the Life Course. Her research interests are in experimental criminology, policing, drug law enforcement, regulatory crime control, and crime prevention. She is the Editor-in-Chief of the *Journal of Experimental Criminology*, past Chair of the American Society of Criminology's (ASC) Division of Experimental Criminology (2014–2015), an elected Fellow and past president of the Academy of Experimental Criminology (AEC), and an elected fellow of the Academy of the Social Sciences, Australia and the American Society of Criminology (ASC). Professor Mazerolle is the recipient of the 2018 ASC Thorsten Sellin & Sheldon and Eleanor Glueck Award, the 2016 ASC Division of Policing Distinguished Scholar Award, the 2013 AEC Joan McCord Award, and the 2010 ASC Division of International Criminology Freda Adler Distinguished Scholar Award. She has won numerous US and Australian national competitive research grants on topics such as third party policing, police engagement with high risk people and disadvantaged communities, community regulation, problem-oriented policing, police technologies, civil remedies, street-level drug enforcement and policing public housing sites.

Dr Mark Wenitong

Dr Mark Wenitong is from the Kabi Kabi tribal group of South Queensland and is passionate about improving health outcomes for Aboriginal and Torres Strait Islander Australians. Involved in both clinical and policy work throughout his career, he is currently the Aboriginal Public Health Medical Officer at Apunipima Cape York Health Council, where he is working on health reform across the Cape York Aboriginal communities. Mark's previous experience includes: Senior Medical Officer at Wuchopperen Health Services in Cairns; Medical Advisor for the Office for Aboriginal and Torres Strait Islander Health; and Acting CEO of the National Aboriginal Community Controlled Health Organisation. Mark is a past president and founder of the Australian Indigenous Doctors Association and sits on numerous councils and committees. Previously a member on the National Health Committee of the National Health and Medical Research Council, he is Chair of Andrology Australia – Aboriginal and Torres Strait Islander Male Health Advisory Committee, board member of Central Australian Aboriginal Congress, and the AITHM. Mark is heavily involved in Aboriginal and Torres Strait Islander health workforce and has helped develop several national workforce documents and sat on the COAG Australian Health Workforce Advisory Council. He is also involved in several research projects, and has worked in prison health, refugee health in East Timor, as well as studying and working in Indigenous health internationally. In recognition of his achievements, Mark received the 2011 AMA Presidents Award for Excellence in Healthcare, the Queensland Aboriginal and Torres Strait Islander Health Council Hall of Fame award in 2010, and more recently, was one of the chief investigators awarded the MJA best research journal article for 2012.

Professor Bruce Western

Professor Bruce Western is the Bryce Professor of Sociology and Social Justice and Co-Director of the Justice Lab at Columbia University. His research has examined the causes, scope, and consequences of the historic growth in U.S. prison populations. Current projects include a randomized experiment assessing the effects of criminal justice fines and fees on misdemeanor defendants in Oklahoma City, and a field study of solitary confinement in Pennsylvania state prisons. Western is also the Principal Investigator of the Square One Project that aims re-imagine the public policy response to violence under conditions of poverty and racial inequality. He was the Vice Chair of the National Academy of Sciences panel on the causes and consequences of high incarceration rates in the United States. He is the author of *Homeward: Life in the Year After Prison* (2018), and *Punishment and Inequality in America* (Russell Sage Foundation, 2006).

He is a member of the National Academy of Sciences and the American Academy of Arts and Sciences. He has been a Guggenheim Fellow, a Russell Sage Foundation Visiting Scholar, and a fellow of the Radcliffe Institute of Advanced Study. Western received his Ph.D. in Sociology from the University of California, Los Angeles, and was born in Canberra, Australia.

Professor Stuart Kinnear

Professor Stuart Kinner is an NHMRC Senior Research Fellow and Professor of Adolescent and Young Adult Health Equity in the Centre for Adolescent Health, Murdoch Childrens Research Institute. He also holds Honorary appointments at University of Melbourne, University of Queensland, Monash University, and Griffith University. Stuart's research focusses on the health and wellbeing of vulnerable and marginalised people, particularly those exposed to the criminal justice system. He is experienced in longitudinal studies, data linkage, randomised controlled trials, meta-analysis and systematic review. He has produced more than 100 peer-reviewed publications and attracted almost AU\$20 million in research and consulting funds, mostly from nationally competitive schemes. Stuart Chairs Australia's National Youth Justice Health Advisory Group, Co-Chairs the Research Committee in the Academic Consortium on Criminal Justice Health, co-convenes the Justice Health Special Interest Group in the Public Health Association of Australia, and since 2005 has served on Australia's National Prisoner Health Information Committee.

Additional/ Alternative nominations

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Released under RTI

Professor Cindy Shannon

Professor Cindy Shannon is a descendent of the Ngugi people from Moreton Bay region in Queensland. She is Professor of Indigenous health at QUT and has previously held senior positions at the University of Melbourne and the University of Queensland. Cindy is the chair of the Queensland Ministerial Advisory Committee on Sexual Health and has played a key role in policy advice and implementation for the sector, at the national, state and community levels for the past 20 years. Professor Shannon has also played a leading role

in Indigenous health workforce development, having led the development of Australia's first degree level program for Aboriginal and Torres Strait Islander health workers. She has been a member of the Council of NHMRC and currently chairs the Queensland Aboriginal and Torres Strait Islander Foundation. Professor Shannon has led numerous reforms in service delivery to Indigenous communities and was recognised with a Queensland Great Award in 2017 for her contributions to Indigenous health and education.

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Throughcare Model – Expert Advisory Committee Draft Terms of Reference

Purpose

The Expert Advisory Committee has been established to ensure the throughcare model is developed with the benefit of expert, innovative and objective advice from independent professionals from outside Queensland Government with relevant in-depth knowledge and experience.

Context

The Queensland Government has commissioned work on the development of a new, whole-of-government throughcare service delivery model for rehabilitation and remand programs and services for remandees, prisoners and offenders. This includes developing and implementing an innovative and holistic rehabilitation service strategy for the Queensland Corrective Services system; design and delivery of specific tailored programs for remandees and sentenced offenders; and undertaking reviews and/or evaluations of existing programs to ascertain effectiveness.

The aim of the project is to produce a targeted and fit for purpose throughcare service model. This will include provision to prisoners of access to an enhanced suite of programs and services aimed at addressing the underlying causes of offending. The model will be designed to proactively address the causes of offending from the point of intake into the corrective services system through to release and post-release. This includes addressing reintegration needs, rapid assistance to address practical support needs when prisoners approach release, and facilitating follow on linkage and service coordination to address ongoing needs following release. This will include Opioid Substitute Treatment and mental health responses where needed.

Ultimately, the project aim is to develop a throughcare model in Queensland that reduces the number of prisoners who return to custody by reducing risk of re-offending.

Role and responsibilities

The role of the Expert Advisory Committee is advisory only, and the Committee is not a decision-making body.

The role of the Expert Advisory Committee is to provide independent, expert advice about proposals for a throughcare model for the Queensland Corrective Services system. This will include (but will not be limited to) providing advice on:

- development of innovative and holistic rehabilitation services within the Queensland Corrective Services system both before and after release from prison
- addressing the disproportionate representation of Aboriginal and Torres Strait Islander peoples, utilising a throughcare model that is culturally competent and strength-based
- addressing the specific needs of vulnerable cohorts (including accommodation, employment, addiction, mental health and vocational skills)
- embedding an adaptive model across Queensland (in light of its geographic diversity)
- data collection, testing and evaluation of initiatives and approaches.

Members of the Expert Advisory Committee will be required to:

- provide targeted, informed, and independent expert advice
- proactively identify and communicate to the project team ideas and views - including any issues and concerns relevant to any proposals or approaches put forward for discussion
- act with integrity, discretion and independence.

Chair

The Expert Advisory Committee will be chaired by the Deputy Director-General, Program Management Office, from the Department of the Premier and Cabinet (DPC). The Director General, Queensland Health,

Commissioner, Queensland Corrective Services, and the Deputy Under Treasurer, Queensland Treasury, will sit on the Committee as ex officio members.

Membership

The members of the Expert Advisory Committee will include:

- **academic expert/s** with relevant interest and experience in offenders, corrective services and recidivism (including particular expertise in throughcare responses)
- **justice system expert/s** with relevant interest and experience in the operation of the criminal justice system, its role and functions, and its impact on individuals
- **health expert/s** with relevant interest and experience in the health needs of offenders and the availability and use of health services in corrective services processes and functions.

Five external members have been identified on the basis of their expertise in re-entry services, health provision and justice processes, these being:

- Professor Lorraine Mazerolle, University of Queensland.
- Dr Mark Wenitong, Apunipima Cape York Health Council
- CTPI - Personal Information
- Professor Stuart Kinnear, University of Melbourne
- Professor Bruce Western, Columbia University

Appointments will be for a period of 12 months. Members will be remunerated for meeting attendance (maximum of \$300 per meeting)

Meetings

The Expert Advisory Committee will meet up to four times over the course of the year, in person or via skype. Further meetings may be held outside these dates as required and agreed by the Chair and Expert Advisory Committee members. The Chair may also issue papers for consultation outside scheduled meetings as required.

Minutes

All Expert Advisory Committee meetings will be documented and must include the following information:

- Date and location of meeting
- Attendees, apologies and absentees
- Agenda items discussed and summary of key discussion points; and
- Action items (including status, responsibility and timeframes)

Draft minutes will be distributed to all members for review and feedback within four weeks of each Expert Advisory Committee meeting.

Secretariat

Secretariat support will be provided by DPC. The Secretariat will be responsible for the preparation and circulation of the meeting agenda, any relevant meeting papers and minuting of meetings. The Secretariat will ensure that electronic copies of all relevant documents are saved in DPC's electronic document and record keeping management system.

Reporting

The minutes and any relevant matters or concerns arising will be reported to the Throughcare Project Team in DPC. Any issues will be escalated, as required, to the Deputy Director-General, Criminal Justice System Reform Program Management Office.

DIRECTOR-GENERAL'S BRIEFING NOTE
Criminal Justice PMO

Tracking Folder No. TF/19/9500
Document No. DOC/19/178034

To: Director-General
Date:
Subject: Information Sharing between Queensland Health and Queensland Corrective Services

Approved	Not Approved / Noted
Addressee	
Date	

[Handwritten signature]

• RECOMMENDATION

It is recommended that you

- Sign the attached letter to Dr John Wakefield, Acting Director-General, Queensland Health (QH), for the release of QH identifiable data to Queensland Corrective Services (QCS) in the Public Interest (**Attachment 1**).

• KEY ISSUES

- Effective evaluation of the Opioid Substitute Treatment (OST) program and the Indigenous Mental Health Intervention Program (IMHIP), Exempt Sch.3(2)(1)(b) Cabinet considerations for future service funding, depends upon information sharing between QH and QCS.
- Under the *Hospital and Health Board Act 2011* (HHB Act), confidential identifiable health data cannot be disclosed unless the disclosure is exempted under a specific provision of the HHB Act.
- Section 160 (1) of the HHB Act allows for disclosure of confidential information in the public interest and must be approved by the Chief Executive in writing. Under Section 160 (2) there is a requirement for a statement to be mentioned in the Annual Report of any release of information under this provision.
- The linking of QH and QCS data is essential to understanding the efficacy of IMHIP and OST in reducing the risk of recidivism and future adverse health and wellbeing outcomes. This is in the public interest with respect to reducing:
 - o compromised health and wellbeing outcomes and unnecessary imposts on the state health system.
 - o the risk of reoffending and the potential for future victimisation.
- Approval is sought from the Acting Director-General, QH:
 - o to allow the release of identifiable IMHIP data held in the Mental Health Alcohol and Other Drugs Branch, Clinical Excellence Division, Consumer Integrated Mental Health Application (CIMHA) database to QCS, so that QCS can extract matched records, and then provide these to QH to enable linking of the two data sets.
 - o for QH to link the Monitoring of Drugs of Dependency System (MODDS) data with QCS custodial data for OST participants to determine continuity of the OST program in community.

Exempt Sch.3(2)(1)(b) Cabinet considerations

• CABINET COMMITMENTS

Exempt Sch.3(2)(1)(b) Cabinet considerations

Action Officer: Penny Dale Area: CJSRF PMO Telephone: 3003 9181.	Approvals by Director / ED /DDG documented in <i>notes</i> in TRIM <i>[Signature]</i>
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Exempt Sch.3(2)(1)(b) Cabinet considerations

• **CONSULTATION**

- Queensland Health:
 - o Mental Health Alcohol and Other Drugs Branch, (CIMHA and MODDS data custodian)
 - o Statistical Services Branch
- Queensland Corrective Services

• **BACKGROUND**

- The PMO is charged with development of a whole of government Throughcare model with QH and QCS representatives as part of the program of work.
- The model includes evaluation of two existing QH programs:
 - o a revised OST program with a detailed implementation plan to inform the current and future OST evaluations.
 - o continuation of the IMHIP in two locations with additional funding subject to an evaluation addressing cost effectiveness and impact on recidivism.

CTPI - Personal Information

Christine Castley
Deputy Director-General
Criminal Justice System Reform
Program Management Office and
Strategy and Engagement (Acting)

Comments

Released Under RTI/DPC



For reply please quote: CJSR/PD – TF/19/9500 – Doc/19/178094
Your reference: (*delete if not applicable)

Department of the
Premier and Cabinet

Dr John Wakefield
Acting Director-General
Queensland Health
John.Wakefield@health.qld.gov.au
33 Charlotte Street
Brisbane Qld 4001

Dear Dr Wakefield

Approval to enact section 160 of the *Hospital and Health Boards Act 2011*

I am writing to seek your approval for the linking and release of health data for the purposes of work being progressed as part of the Criminal Justice System Reform Framework (CJSRF).

Exempt Sch.3(2)(1)(b) Cabinet considerations

Work on developing the model is to include consideration of existing programs such as Opioid Substitute Treatment (OST) and the Indigenous Mental Health Intervention Program (IMHIP), and an evaluation of their cost effectiveness and impact on recidivism. To support this work, there is a need to link Queensland Health (QH) and QCS activity data to enable analysis of the impact of the OST and IMHIP programs.

As you know, under the *Hospital and Health Board Act 2011* (HHB Act) confidential identifiable health data cannot be disclosed unless exempted under a specific provision of the HHB Act. Section 160 (1) of the HHB Act allows for disclosure of confidential information in the public interest and must be approved by the Chief Executive in writing. Under Section 160 (2) there is a requirement for a statement to be mentioned in the Annual Report of any release of information under this provision.

1 William Street Brisbane
PO Box 15185 City East
Queensland 4002 Australia
Telephone +61 7 3224 2111
Facsimile +61 7 3220 6683
Website www.premiers.qld.gov.au
ABN 65 959 415 158

The linking of QH and QCS data is essential to understanding the efficacy of IMHIP and OST in reducing the risk of adverse health and wellbeing outcomes and impact on recidivism. This is in the public interest with respect to reducing:

- compromised health and wellbeing outcomes and avoidable demand on the state health system
- the morbidity and mortality of people exiting the criminal justice system with mental health, social and emotional wellbeing and alcohol and drug history
- the risk of reoffending and the potential for future victimisation.

I therefore seek your approval for:

- Statistical Services Branch, QH to link the Monitoring of Drugs of Dependency System (MODDS) data with QCS custodial data for OST participants to determine continuity of the OST program in community.
- The release of identifiable IMHIP data held in the Mental Health Alcohol and Other Drugs Branch, Clinical Excellence Division, Consumer Integrated Mental Health Application (CIMHA) database to QCS, so that they can extract matched offender records, and then provide these to QH to enable linking of the two data sets.

The required identifiable data for matching for both OST and IMHIP includes:


- Name
- Date of birth
- Gender

Exempt Sch.3(2)(1)(b) Cabinet considerations

I would appreciate your earliest advice as to whether you support the linking of QH and QCS data, and the provision of the resulting aggregated de-identified data to the PMO, to support its work on development of the throughcare model.

If you have further queries, please contact Emma Ogilvie, Senior Director, Criminal Justice System Reform Program Management Office by telephone on 300 39228 or by email at emma.ogilvie@premiers.qld.gov.au.

Yours sincerely


Dave Stewart
Director-General
17.9.19