

# Better Justice Together

Queensland's Aboriginal and Torres Strait Islander Justice Strategy **2024–2031** 





 $\ensuremath{\mathbb{C}}$  The State of Queensland (Department of Justice and Attorney-General) 2024

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The Department of Justice and Attorney-General is committed to providing accessible information and services to Queenslanders from all cultural and linguistic backgrounds. To talk to someone about *Better Justice Together* and its associated Action Plans in your preferred language call **1800 512 451** and ask to speak with the First Nations Justice Office, Department of Justice and Attorney-General.

Queensland's Aboriginal and Torres Strait Islander Justice Strategy



# Acknowledgement of Country

We recognise and acknowledge Aboriginal and Torres Strait Islander peoples as the First Peoples of Queensland and as the Traditional Custodians of our precious land and waters. We pay our respects to their Elders past and present.

We recognise and celebrate the unique and continuing position of Aboriginal and Torres Strait Islander peoples in our history, culture and future, and acknowledge their ongoing strength, resilience and wisdom. We are working to translate this recognition into fair, safe and inclusive practices, policies and services for Aboriginal and Torres Strait Islander peoples.

To Aboriginal and Torres Strait Islander peoples across Queensland, we extend a special thank you for sharing your stories and insights to assist in shaping *Better Justice Together* through your collective voices. We are grateful for the knowledge and experiences shared to contribute to improved justice outcomes and a safer community for all Queenslanders.

# No.

# Note on Language

In this document, we respectfully use the terms "Aboriginal", "Torres Strait Islander", "Indigenous" and "First Nations" to refer to the First Peoples of these lands. When we write Indigenous with a capital "I", it's talking specifically about Aboriginal and Torres Strait Islander peoples in Australia.

We acknowledge that there are many different language groups and nations across what is known today as Queensland. We recognise that Aboriginal peoples and Torres Strait Islander peoples have distinctive cultures, customs, languages and lore. We also recognise the ongoing leadership of Aboriginal peoples and Torres Strait Islander peoples in balancing compliance with western law and with traditional lore to support communities. *Better Justice Together* strives to build on communities' strength to contribute to improved justice outcomes and a safer community for all Queenslanders.

These terms are used with the acknowledgement that Aboriginal and Torres Strait Islander peoples maintain the right to self-determine the description of their cultural identity. So, we use the word 'peoples' with an 's' as a way to show the diversity among First Nations peoples. This idea is supported by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and it acknowledges that there are many different cultures within these larger groups. The titles "Elders and Respected Persons" used in this document refers to Aboriginal and Torres Strait Islander persons who are recognised in and by their communities as one of these two titles.



# About the artwork

This embodied design, *Better Justice Together*, is a joint creation by Kylie Hill, an Aboriginal Artist, and Jessie Mordey, a Torres Strait Islander Artist. It was commissioned by the Department of Justice and Attorney-General's First Nations Justice Office and delivered with the support of Iscariot Media's creative team.

This embodied design captures the goals and challenges of Aboriginal and Torres Strait Islander people within the justice system, emphasising their desire for a culturally safe and nondiscriminatory environment. It highlights the importance of unity and collective strength in tackling overrepresentation and focuses on building connections within the community to support and amplify their voices. *Better Justice Together* seeks to drive meaningful change and achieve positive outcomes in bettering justice for these communities.





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# A message

#### from the Premier of Queensland, The Hon. Steven Miles MP



I am pleased to present the *Better Justice Together: Queensland's Aboriginal and Torres Strait Islander Justice Strategy* 2024–2031.

As the title suggests, a key theme of *Better Justice Together* is partnership. It recognises that we need new ways of working together to improve justice outcomes for Aboriginal and Torres Strait Islander peoples.

It's about working in partnership to deliver real change across the justice system and reduce the overrepresentation of Aboriginal and Torres Strait Islander peoples in the justice system in Queensland.

*Better Justice Together* is one of the ways that this Government is delivering on our commitments under the National Agreement on Closing the Gap. This Strategy provides us with a roadmap that aligns with the Priority Reforms so we can work towards meeting the justice targets.

*Better Justice Together* requires a whole-of-government commitment to doing things differently.

We know that early intervention and prevention is key if we want to address the underlying factors that can lead to involvement in the justice system. This includes housing, health, education and employment opportunities.

We also know that the justice system involves a number of departments including Youth Justice, the Queensland Police Service and Queensland Corrective Services, along with the Department of Justice and Attorney-General.

I am proud that the Queensland Government has come together with Aboriginal and Torres Strait Islander peoples and community-controlled organisations to commit to *Better Justice Together* to achieve the change that is required.

We have heard from Aboriginal and Torres Strait Islander peoples with lived experience of the justice system. *Better Justice Together* acknowledges that we have work to do, and it's time for action.

This plan focuses on four key areas that aim to transform the justice system and reduce overrepresentation – working together, early intervention and prevention with local decision making for safer communities and families, doing justice differently for a better and fairer justice system, and address offending and reduce re-offending.

The areas, actions and solutions have been shaped by the culture, needs, values, knowledge and wisdom of Aboriginal and Torres Strait Islander peoples and communities, as well as the findings of numerous inquiries and expert reports.

I believe *Better Justice Together* is a step in the right direction and will help us move forward in delivering tangible outcomes and creating lasting change, together.



A message

from the Attorney-General, Minister for Justice and Minister for the Prevention of Domestic and Family Violence, **The Hon. Yvette D'Ath MP** 



Every Queenslander deserves a justice system that is culturally safe. A justice system where all people are treated fairly, with respect, and free from all forms of discrimination.

In 2024, Aboriginal and Torres Strait Islander peoples continue to be overrepresented across Queensland's criminal justice system as offenders, victims and victim/survivors.

We recognise that this cannot continue. Things must change. It's time to achieve *Better Justice Together*.

We co-designed the *Better Justice Together: Queensland's Aboriginal and Torres Strait Islander Justice Strategy 2024-2031* in partnership with Aboriginal and Torres Strait Islander communities, leaders and organisations.

Their voices underpin the strategy and we appreciate their strength, stories and experiences. These insights are at the foundation of this strategy to move forward over the next seven years and create much needed change to address underlying factors that can increase risks of people becoming involved in the criminal justice system, as well as necessary changes to how the criminal justice system operates in Queensland.

I also would like to take this opportunity to acknowledge the efforts of those already making a difference in communities, particularly Community Justice Groups and Aboriginal and Torres Strait Islander community-controlled organisations who do incredible work supporting Aboriginal and Torres Strait Islander peoples when they come into contact with the justice system.

Better Justice Together is one of the ways the Queensland Government is making communities safer. We heard from Aboriginal and Torres Strait Islander Queenslanders about the underlying factors that contribute to people coming into contact with the justice system.

Shining a light on and addressing the underlying causes of crime in partnership with Aboriginal and Torres Strait Islander peoples is a key step towards making Queensland a safer place.

I'm proud to be a part of a government that is committed to seeing this plan through, and working together towards a more effective, responsive and fair justice system that works for all Queenslanders.



Better Justice Together



## Executive summary

#### Better Justice Together: Queensland's Aboriginal and Torres Strait Islander Justice Strategy 2024–2031

Better Justice Together: Queensland's Aboriginal and Torres Strait Islander Justice Strategy 2024–2031 (Better Justice Together) reflects Queensland Government's continued commitment to supporting victims and victim's families, preventing crime before it occurs, intervening when people offend, and strengthening community safety. We know and believe every Queenslander deserves to feel and be safe.

Better Justice Together, in response to the Women's Safety and Justice Taskforce *Hear Her Voice - Report One*, is Queensland Government's commitment to co-design a whole-of-government and community strategy to address the overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system and meet the justice targets under the National Agreement on Closing the Gap (the National Agreement).

In 2020, the Queensland Government committed to the National Agreement and its justice targets to reduce the rate of Aboriginal and Torres Strait Islander adults held in incarceration by at least 15 per cent and young people (10 to 17 years) in detention by at least 30 per cent by 2031.

Since committing to the National Agreement, incarceration rates have continued to rise, and Queensland is not on track to meet the targets by 2031. *Better Justice Together* is Queensland Government's chance to reverse current trajectory and meet the justice targets under the National Agreement. We know the overrepresentation of Aboriginal and Torres Strait Islander peoples is due to many factors, including systemic racism and bias, socio-economic disadvantage, ongoing impacts of colonisation, and intergenerational trauma. *Better Justice Together* is our 7-year commitment to drive transformational change, address systemic inequity, institutional racism, and the underlying causes of crime.

*Better Justice Together* is the result of working in genuine partnership and co-design with community members, community-controlled organisations, non-government organisations, and partner agencies. It is informed by the voices, lived experiences and perspectives of Aboriginal and Torres Strait Islander peoples.

It considered inquiries, reports, and reviews, including the *Royal Commission into Aboriginal Deaths in Custody* and the *Commission of Inquiry into Queensland Police Service responses to domestic and family violence*.

In alignment with the *Community Safety Plan for Queensland*, *Better Justice Together* has four key focus areas that centre on working together, early intervention and prevention with local decision making, a better and fairer justice system, and addressing offending and reoffending. *Better Justice Together* will deliver operational outcomes that will provide culturally safe services and a safer community.

*Better Justice Together* is one strand of work to guide Queensland towards meeting the justice targets under the National Agreement, promote self-determination and strengthened partnerships, and improve community safety for all Queenslanders.

The success of *Better Justice Together* will require whole-of-government commitment to do things differently and a commitment to work in genuine partnership with community to address overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system.





# Our focus areas and objectives

	Focus	area one: Working together
503	1.1	Improve partnerships between Aboriginal and Torres Strait Islander peoples, community- controlled organisations, and government.
	1.2	Improve governance arrangements and accountability at a local level.
	1.3	Improve cross-sector partnerships.
	1.4	Support communities to reframe service delivery in a way that is responsive to local community needs.
	Focus	area two: Early intervention and prevention with local decision making
	2.1	Support culturally appropriate early intervention and prevention initiatives.
	2.2	Support co-designed, Aboriginal and Torres Strait Islander-led local responses.
	2.3	Improve access to data and information.
	2.4	Support community-led Justice Reinvestment initiatives.
	Focus	area three: A better and fairer justice system
	3.1	Improve the justice system to be culturally responsive and free from all forms of racism.
	3.2	Ensure we have an equitable and accessible justice system that promotes, protects, and respects the rights and safety of Aboriginal and Torres Strait Islander peoples.
	3.3	Support Community Justice Groups.
	3.4	Review policies and laws that inadvertently disadvantage Aboriginal and Torres Strait Islander peoples and consider options for reform.
	Focus	area four: Addressing offending and reoffending
	4.1	Ensure the justice system provides a holistic and trauma-informed approach with therapeutic and healing options.
STUTIEN STATES	4.2	Improve access to culturally safe and appropriate diversion, restorative justice, bail support options and community-based sentencing options.
	4.3	Enhance culturally safe and appropriate support for victims, victim-survivors, and offenders and families.
	4.4	Provide culturally safe and appropriate support to transition back to the community.
	4.5	Improved access to culturally safe and appropriate programs designed and delivered by Aboriginal and Torres Strait Islander peoples to reduce offending and enhance community safety.



## Introduction

#### Women's Safety and Justice Taskforce

In 2021, the Women's Safety and Justice Taskforce (the Taskforce) report Hear Her Voice Report One – Addressing coercive control and domestic and family violence in Queensland made 89 recommendations about ways the police, courts and laws could be improved and included recommending the introduction of a new law to criminalise coercive control in domestic and family violence (DFV) matters.

Of these recommendations, the Taskforce made three key recommendations to avoid unintended consequences from criminalising coercive control. Recommendation One was for the Queensland Government to work in partnership with Aboriginal and Torres Strait Islander peoples to develop and implement a co-designed whole-of-government and community strategy to address the overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system and meet Queensland's justice targets under the National Agreement on Closing the Gap (the National Agreement). The Taskforce recommended the strategy be operational before the criminalisation of coercive control.

In response to Recommendation One, the First Nations Justice Office was established within the Department of Justice and Attorney-General (DJAG) to develop and implement this co-designed strategy.

Better Justice Together: Queensland's Aboriginal and Torres Strait Islander Justice Strategy 2024-2031 (Better Justice Together) aims to improve justice outcomes, address systemic inequity, and attempt to make real progress towards addressing the overrepresentation of Aboriginal and Torres Strait Islander peoples in Queensland's criminal justice system and keep Aboriginal and Torres Strait Islander men, women, young people and children safe.

#### National Agreement on Closing the Gap

In 2020, the National Agreement was developed in genuine partnership between Australian governments and the Coalition of Peaks (a national coalition of Aboriginal and Torres Strait Islander Peak bodies) to improve whole-oflife outcomes for Aboriginal and Torres Strait Islander peoples.

The Queensland Government, and all states and territories, committed to the National Agreement and achieving its 19 national socio-economic targets across health, housing, education, employment and justice domains by 2031. Queensland's progress towards the Priority Reforms and Targets is reported through the *Queensland Closing the Gap Annual Report* and progress against the National Agreement is monitored and reported annually by the Productivity Commission.

#### **Priority Reforms**

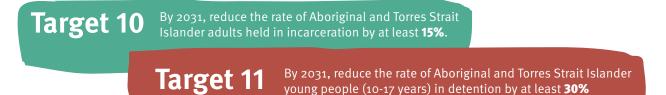
The National Agreement has four Priority Reforms as central pillars that focus on changing the way governments work with Aboriginal and Torres Strait Islander peoples. The *Better Justice Together* key focus areas align with the Priority Reforms under the National Agreement, which are:



We know Queensland Government needs to do things differently to achieve the change required. The Priority Reforms will change the way governments work and underpin the work required to improve whole-of-life outcomes for Aboriginal and Torres Strait Islander peoples.

#### Targets

The 19 national socio-economic targets under the National Agreement are interrelated, meaning action against one target is likely to support progress against others. In recognition of this, the Queensland Government will collaborate across sectors to progress work towards outcomes across all targets.



Other targets that are intrinsically linked to these targets include:

- **Target 12:** By 2031, reduce the rate of overrepresentation of Aboriginal and Torres Strait Islander children in outof-home care by 45 per cent.
- **Target 13:** By 2031, the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children is reduced at least by 50 per cent, as progress towards zero.

The National Agreement requires urgent and ambitious action to drive transformational change across the justice system and address the underlying drivers or root causes of Aboriginal and Torres Strait Islander overrepresentation in the justice system.

*Better Justice Together* is our opportunity to deliver whole-of-government reform and contribute to addressing the overrepresentation of Aboriginal and Torres Strait Islander peoples in the Queensland criminal justice system.



# What we heard from community

Better Justice Together has been co-designed in partnership with Aboriginal and Torres Strait Islander community members and community-controlled organisations, government agencies and nongovernment organisations. It is the result of over 103 engagement sessions across the state, through a blend of in-person and online consultations, as well as 34 written submissions and 160 survey responses.

We heard communities want strengthened government relationships and ongoing engagement to build trust. In recognition of this, we returned to community members, Elders, and key stakeholders to validate what we originally heard. We are committed to continuing to work in partnership and co-design throughout the 7-year life of *Better Justice Together* and its three Action Plans.

We heard communities are tired of being consulted with no action. We heard community want to see real action, to enable self-determination, to participate in shared decision-making, and to have access to information. We heard communities want to work in partnership with government to co-design and deliver place-based local solutions that are purpose-built and meet the strengths and needs of the community.

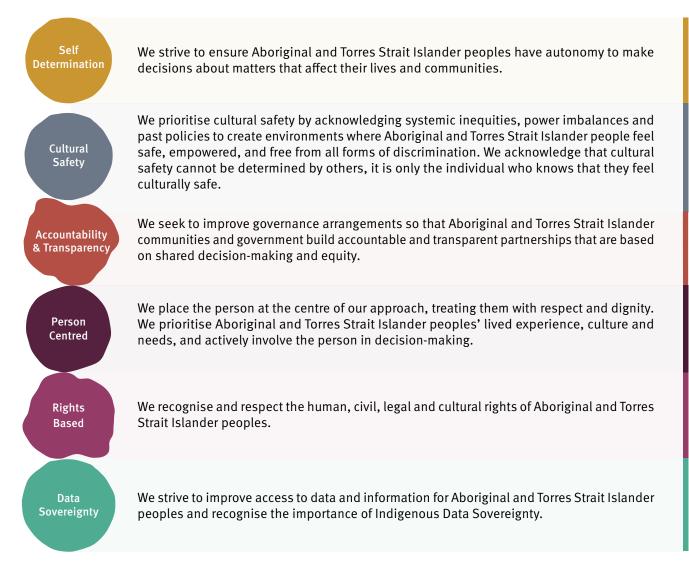
We heard about community needs and personal and lived experiences in the criminal justice system and ideas for change. Community provided input during the co-design of *Better Justice Together* and identified what should be included to make positive changes with and for Aboriginal and Torres Strait Islander peoples.

We heard from community, consistent with truth telling processes undertaken elsewhere, that the truth needs to be told about the impact of the criminal justice system on the lives of Aboriginal and Torres Strait Islander peoples in Queensland.



# Principles of Better Justice Together

To make real progress towards achieving our goal we need to adopt a bold strategy guided by the following principles:







# Background

#### What we know

Aboriginal and Torres Strait Islander peoples are disproportionately represented in the criminal justice system as offenders, victims and victim-survivors. The overrepresentation of Aboriginal and Torres Strait Islander peoples does not reflect the true strengths and values of First Nations peoples and communities.

Overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system has significant cultural, financial and social costs.

The factors driving increasing imprisonment are particularly impacting First Nations peoples, with the rate of Aboriginal and Torres Strait Islander peoples incarcerated increasing faster than that of non-Indigenous peoples. The imprisonment rate for Aboriginal and Torres Strait Islander adults in Queensland is now 2,232.4 per 100,000 persons (as at June 2023) with this cohort now comprising 39 per cent of Queensland's prison population (as at May 2024), up from 31 per cent in 2013. In comparison, the imprisonment rate for non-Indigenous adults in Queensland is 174.7 per 100,000 person (as at June 2023).

In 1991, the Royal Commission into Aboriginal Deaths in Custody (the Royal Commission) found that the high number of Aboriginal and Torres Strait Islander peoples' deaths in custody nation-wide was related to significant overrepresentation in police and prison custody compared with non-Indigenous people.

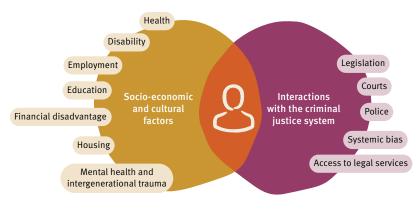
The Royal Commission identified the overwhelming reason for this overrepresentation was social, and economic disadvantage. Since the Royal Commission, Aboriginal and Torres Strait Islander peoples have continued to be over-incarcerated at an increasing rate, and Aboriginal and Torres Strait Islander men, women and, on occasion, children continue to die in custody. In 2022-23, 11 Aboriginal and Torres Strait Islander persons died in police and prison custody in Queensland.

We recognise the way Aboriginal and Torres Strait Islander peoples are represented in the media can influence the relationship between non-Indigenous and Indigenous Australians.

We know Aboriginal and Torres Strait Islander peoples have the solutions to address this disproportionate representation and that the government must shift the way it works to leverage these inherent capacities for positive change and foster a criminal justice system that is culturally informed by Elders and communities, keeping Aboriginal and Torres Strait Islander victims, victim-survivors and offenders safe.

#### Drivers of disproportionate representation of Aboriginal and Torres Strait Islander peoples in the criminal justice system

The overrepresentation of Aboriginal and Torres Strait Islander peoples is due to numerous factors, including systemic racism and bias, socioeconomic disadvantage, the ongoing impacts of colonisation, and intergenerational trauma.



We recognise the past acts of dispossession, settlement and discriminatory policies, and the cumulative acts of colonial and state governments since the commencement of colonisation. These acts have left an enduring legacy of economic and social disadvantage and mistrust in the justice system that many Aboriginal and Torres Strait Islander peoples have experienced and continue to experience.

We understand Aboriginal and Torres Strait Islander peoples experience multiple factors of systemic social disadvantage and inequity which increase Aboriginal and Torres Strait Islander peoples' risk of involvement in the criminal justice system as victims and offenders.

It is important to acknowledge the interrelated forms of discrimination and marginalisation that Aboriginal and Torres Strait Islander peoples experience, including health, geographic location, economic insecurity, disability, education, religion, and gender and sexual identity.

For example, there are high rates of disability amongst Aboriginal and Torres Strait Islander persons in contact with the justice system, including as victims.

The recent Royal Commission into Disability describes the 'overrepresentation of First Nations Australians with cognitive impairment in the criminal justice system is a national crisis'.

Other cohorts at risk of increased contact with the criminal justice system include people with lived experience of institutional care and Aboriginal and Torres Strait Islander LGBTQIA+ people, Sistergirls and Brotherboys.

Aboriginal and Torres Strait Islander peoples have contact with the criminal justice system, as victims, victim-survivors and offenders, at much higher rates than non-Indigenous peoples. We heard Aboriginal and Torres Strait Islander victims and victim-survivors of violence are being misidentified as perpetrators. In recognition of this, and with alignment to *Community Safety Plan for Queensland* intends to improve policing responses to Aboriginal and Torres Strait Islander victims and victim-survivors to reduce misidentification and ensure victims and victim-survivors voices are heard and communities are kept safe. We know the overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system does not reflect the true strengths and values of Aboriginal and Torres Strait Islander peoples and communities.

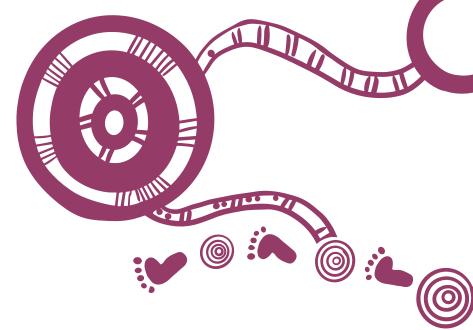
#### The criminal justice system

Many people, agencies, and organisations (government and nongovernment) all play an important role in the different stages of the criminal justice system. The justice system includes monitoring and oversight bodies, including the coronial system, and groups involved in advocacy, funding, policy, and legislation development.



Despite a decrease in crime rates, incarceration rates have continued to rise over the last 20 years in Queensland, in particular for Aboriginal and Torres Strait Islander women and girls. This can be linked to various changes within the criminal justice system, including more reporting of crime, more policing, more willingness of courts to impose custodial sentences, tighter bail laws and higher recidivism rates.

These changes have contributed to incarceration rates for Aboriginal and Torres Strait Islander peoples to accelerate more quickly, including incarceration rates which reflect geographical concentrations of offending in highly socio-economic disadvantaged areas.



#### In Queensland, Aboriginal and **Torres Strait** Islander peoples:

2022-2023

#### As victims, are disproportionately victims of crime

Aboriginal and Torres Strait Islander women and girls make up

of all recorded victims of assault

Aboriginal and Torres Strait Islander women and girls:

experienced higher DFV-related victimisation rates in all age groups compared to non-Indigenous women and girls

DFV accounts for 72% of all Indigenous women and girls assault victims, compared to 58% for non-Indigenous women and girls assault victims

#### There are 237.000

Aboriginal and/or Torres Strait Islander people in Queensland (2021)

> of the population (2021)

Australian Bureau of Statistics 2021

#### **Top offences**

most common offences for Aboriginal and Torres Strait Islander peoples proceeded against by police

Youth

23% 6% Adult 5% 5% 3%

unlawful entry (entering another person's property with intent)

> other theft (not including unlawful entry)

unlawful use of a motor vehicle (steal/use another person's vehicle without consent)

good order offences (offences in place to manage public order; e.g. public nuisance)

breach of domestic violence order (DVO)

other theft and drug-related offences (both offences at 13%)

In custody make up

of recorded adult offenders

#### percentage of offenders proceeded against by police

As offenders\* \*Data relates to total offenders rather than unique offenders

of recorded youth offenders

of Aboriginal and Torres Strait Islanders who received a sentence of imprisonment return to prison within 2 years, compared with 32% of non-Indigenous offenders

#### of adult prisoners

17

of women in custody

of young people in detention



#### A Call for Change

In response to a Taskforce recommendation, the *Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence* (the Commission of Inquiry) was established to examine policing responses to domestic and family violence.

The Commission of Inquiry's report, *A Call for Change*, explored the historic relationship between police and Aboriginal and Torres Strait Islander peoples and how this continues to impact relationships, particularly in ongoing mistrust of the criminal justice system.

The Commission of Inquiry examined domestic and family violence and the consequences of strong domestic and family violence policy and law reform, and how it is enforced, on increasing rates of overrepresentation of Aboriginal and Torres Strait Islander peoples.

The Commission of Inquiry's findings reflected similar findings to the Taskforce. The Taskforce concluded abstaining from law reform which protects human rights was not the correct approach. Instead, it recommended the government should commit to a plan to address the drivers of overrepresentation, systemic inequity in the justice system, and improve responses to victims and perpetrators of domestic and family violence.

The Commission of Inquiry also found that public entities must consider cultural rights when providing services to First Nations peoples, and give special consideration to cultural safety, cultural sensitivities, and appropriate ways of working with First Nations peoples and communities. The Commission of inquiry noted that targeted, meaningful and ongoing training, delivered by First Nations experts, will be required to build cultural capability and cultural sensitivity to ensure the rights of First Nations peoples are protected during interactions with police.

In response to the findings of the Commission of Inquiry's report, the Queensland Government invested \$100 million in a wide range of reforms and initiatives to provide enhanced support and protections and better responses to domestic and family violence. The report has provided a roadmap for this reform which aligns to objectives of this Strategy.

### Strengthened justice responses and overrepresentation

Overrepresentation in the criminal justice system is the result of various complex and intersecting matters including the criminal justice response to domestic and family violence. The findings of the Taskforce and the Commission of Inquiry identified how justice system responses to domestic and family violence can fail to protect the person most in need of protection and usually do not address the underlying drivers of offending behaviours, including intergenerational trauma and entrenched disadvantage.

Justice responses to other matters can disproportionately bring Aboriginal and Torres Strait Islander persons into contact with the criminal justice system, including disproportionate charges for certain offences including public nuisance, breach of bail, and contravening a police direction.

The *Domestic and Family Violence Protection Act 2012* is a combined civil and criminal legislative response to domestic and family violence which makes it an offence to breach a protection order. This legislation is a significant example of a criminal justice system response which can lead to contact with the criminal justice system for Aboriginal and Torres Strait Islander peoples.

The Commission of Inquiry identified the negative impact of the policing of domestic and family violence. It found Aboriginal and Torres Strait Islander women are vastly overrepresented as aggrieved persons, over-policed as police-assessed respondents, and under-policed as victims or victim-survivors. The below Commission of Inquiry data shows how domestic and family violence responses and legislation have negatively impacted Aboriginal and Torres Strait Islander men and women:

- Aboriginal and Torres Strait Islander people were incarcerated for a DFV related offence and/or breach of a Protection Order at a rate 26.4 times higher than the rate of non-Indigenous people.
- Aboriginal and Torres Strait Islander women were incarcerated for a for a DFV related offence and/or breach of a Protection Order at a rate 37.3 times higher than the rate of non-Indigenous women, and 2.3 times higher than the rate for non-Indigenous men.
- Aboriginal and Torres Strait Islander men were incarcerated for a for a DFV related offence and/or breach of a Protection Order at a rate 25.7 times higher than the rate of non-Indigenous men and 417.3 times higher than the rate for non-Indigenous women.





# A whole-of-system approach

The Queensland Government acknowledges *Better Justice Together* alone will not address the disproportionate representation of Aboriginal and Torres Strait Islander peoples in the criminal justice system. It is critical to address drivers of overrepresentation external to the criminal justice system, including health, disability, violence prevention, employment, housing, early childhood and justice.

In recognition of this, *Better Justice Together* works and aligns with a wide range of national and state level strategies to enhance the whole-of-system approach to improving community safety and reducing the disproportionate representation of Aboriginal and Torres Strait Islander peoples in the criminal justice system.

This includes aligning to the *Community Safety Plan for Queensland*. The *Community Safety Plan* is backed by \$1.28 billion in additional investment from the Queensland Government and is focused on five targeted pillars of action to continue reducing crime rates across Queensland. It will deliver evidence-based interventions to curb offending and allow at-risk Queenslanders to play a productive and fulfilling role in our community.

*Better Justice Together* will contribute to the five pillars of the *Community Safety Plan* by supporting frontline services through the development of culturally safe service delivery models, further supporting victims and victim-survivors. *Better Justice Together* will also align to the *Community Safety Plan* through the development of early intervention and prevention initiatives that protect and support young people whilst holding them accountable for their actions through programs that address and reduce offending and prevent crime before it occurs.

Further strategies which align with *Better Justice Together* can be found in Appendix Three and some key state level strategies and priorities can be found below:







- Queensland's plan for the primary prevention of violence against women 2024–2028, the *Coercive Control Communication Framework 2024–2027*, and the *Domestic and Family Violence Training and Change Management Framework* is a part of Queensland's continued focus on strengthening the approach to *Queensland's domestic and family violence reform program*. This work will also address concerns raised by the Taskforce that contribute to the overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system.
- A Safer Queensland Queensland Youth Justice Strategy 2024-28 (the YJ Strategy) identifies First Nations young people as a priority cohort within the youth justice system. The YJ Strategy acknowledges that the most effective way to address youth crime is by working in partnership with stakeholders and adopt a community-driven, codesigned approach with Aboriginal and Torres Strait Islander organisations and communities.
- In May 2024, the Queensland Government announced the Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) as the inaugural coordinator of the youth justice peak body. Supported by the Queensland Council of Social Services, QATSICPP will work with justice representatives and the state government to inform policy aimed at improving community safety, driving evidencebased approaches, developing strategies to deliver a capable and effective youth justice workforce, and work to reduce the overrepresentation of Aboriginal and Torres Strait Islander young people in the youth justice system.
- The Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families 2017-2037 will eliminate the disproportionate representation of Aboriginal and Torres Strait Islander children and young people in the child protection system in Queensland and improve outcomes for Aboriginal and Torres Strait Islander children, young people and families.
- The implementation of Our Place: A First Nations Housing

and Homelessness Action Plan 2024-2027 will reduce homelessness by providing essential housing plus support for vulnerable Aboriginal and Torres Strait Islander peoples transitioning out of the criminal justice system.

- In May 2023, the *Path to Treaty Act 2023* was passed by the Queensland Government, marking a significant milestone in Queensland's history and a big step in the road to reconciliation.
- All Queensland Government agencies have committed to reframing their relationship and to working in genuine partnership with Aboriginal and Torres Strait Islander peoples as outlined in the Queensland Government Reconciliation Action Plan July 2023 – June 2025 and development and implementation of Reframing the Relationship plans under the Public Sector Act 2022.
- The HEALTHQ32 First Nations First Strategy 2032 will achieve excellence in care and health equity for all Aboriginal and Torres Strait Islander peoples in Queensland.
- The Equity and Excellence Realising the potential of every student is the Queensland Government's commitment to equity and excellence in education so that all children and young people are confident, creative lifelong learners active in the community.
- Putting Queensland Kids First strengthens investment in prevention and access to early supports, with a focus on partnerships, including with non-government and community-controlled organisations.

Better Justice Together is consistent with the Human Rights Act 2019 (Qld) and international agreements, including the United Nations Declaration on the Rights of Indigenous Peoples, International Convention on the Elimination of All Forms of Racial Discrimination, the United Nations Convention on the Rights of Persons with Disabilities, and the International Covenant on Civil and Political Rights.



#### Focus area one: working together

By working together, we will build strong partnerships that are accountable and representative, where decision-making is shared between Aboriginal and Torres Strait Islander peoples and government. Partnerships that support and elevate cultural governance will see direct positive impacts for Aboriginal and Torres Strait Islander children and families in community to self-determine outcomes and address the many complex issues to lead to crime.

"When we talk about justice, we're also talking about recognising the historical injustices faced by our people. Acknowledgment is the first step towards healing" - Community member

#### What we heard

Community wants partnerships to be supported by strong governance frameworks and accountability at a local level, including through better sharing of information. The community want government to work better together, to have stronger relationships with government, and with other service providers. This will help build trust and credibility in the criminal justice system.

Community emphasised the importance of culture in strengthening family and community. Community noted positive justice outcomes require integrating the role of families, communities, non-government and government engagement across the areas of education, health, housing and homelessness, child and youth safety, and domestic and family violence.

Community wants improved relationships and communication with government agencies to help achieve fair outcomes from the justice system. Communities want to share decision-making and progress to self-determination. Priority Reform One of the National Agreement recognises meaningful change can only be achieved in partnership, including place-based partnerships and partnerships with community-controlled peak bodies and community-controlled organisations.

Obje	ectives	National Agreement Priority Reform
1.1	Improve partnerships between Aboriginal and Torres Strait Islander peoples, community-controlled organisations, and government.	PR1, PR4
1.2	Improve governance arrangements and government accountability at a local level.	PR1, PR3
1.3	Improve cross-sector partnerships.	PR1, PR3
1.4	Support communities to reframe service delivery in a way that is responsive to local community needs.	PR1, PR3

# **Focus area two:** Early intervention and prevention with local decision-making for safer communities and families

By supporting local decision making, and acknowledging the strengths of communities, our communities and community-controlled sector are empowered to meet the needs of Aboriginal and Torres Strait Islander peoples throughout Queensland. By sharing decisionmaking we will allow space for Aboriginal and Torres Strait Islander peoples to determine their own priorities and shift the power from government to local voices and communities. This will support the path to self-determination.

Early intervention and prevention is critical to preventing Aboriginal and Torres Strait Islander peoples from entering the justice system and keeping communities safe. By partnering

What we heard

We heard community wants more focus on improving local decision-making and government to share current local data to empower communities to participate in evidence-based decisions. This will lead to better local decision-making, which can better inform the development of early intervention and prevention initiatives and to direct funding to community justice priority areas.

Consultations also emphasised community needs for place-based strategies to support community-led actions that respond to the strengths and needs of the community. We also heard that there needs to be a holistic community and agency approach and focus on community-led initiatives to address domestic and family violence as a significant justice issue.

Through the implementation of *Better Justice Together*, we will improve service delivery by supporting communities and communitycontrolled organisations to develop Indigenousled responses to address local communities' needs and to improve service delivery for all Aboriginal and Torres Strait Islander peoples living in Queensland's outer regional to very remote areas.

with government and non-government agencies, communities and

community-controlled organisations to support and develop culturally

appropriate and culturally modelled early intervention and prevention

initiatives, the community will be better supported to deliver programs

to address the root causes or drivers of crime before it occurs. This

"We've seen generations of our people

or respect our ways. It's high time we

with our cultural values" - Community member

lost to a system that doesn't understand

co-design a justice approach that aligns

will contribute towards reducing overrepresentation.

Obje	ectives	National Agreement Priority Reform
2.1	Support culturally appropriate early intervention and prevention initiatives.	PR2
2.2	Support co-designed, Aboriginal and Torres Strait Islander- led local responses.	PR1, PR2, PR4
2.3	Improve access to data and information.	PR1, PR2, PR3, PR4
2.4	Support community-led Justice Reinvestment initiatives.	PR2, PR3, PR4

## **Focus area three:** Doing justice differently for a better and fairer justice system

To provide a better and fairer justice system we will transform government to identify and address racism and embed cultural safety.

#### What we heard

Community members shared personal stories and experiences of racism within the criminal justice system, including over-policing. Enhancing cultural safety and cultural capability within the justice system is not enough to address racism, in particular systemic racism, and we heard that community wants anti-racism strategies to address this across the justice system in both government and non-government organisations. We heard from community that a part of addressing racism is ensuring better representation of Aboriginal and Torres Strait Islander peoples within the justice workforce and decision-making structures within the justice system.

The community wants to ensure that all people understand processes within the justice system, including how to navigate and understand documents and processes at all stages of the justice system. The justice system needs to be accessible and safe including for persons living with disability.

Community also told us that there isn't "one voice" for Aboriginal and Torres Strait Islander peoples and community-controlled organisations

in the justice system. For example, the child protection, housing and health sectors all have an "Aboriginal and Torres Strait Islander peak body" to work in genunine partnership with the relevant government agency, and the community.

Community sees the role of Elders and Respected Persons, such as Community Justice Groups, who are grounded in communities, as best positioned to support communities, and increased support and resourcing is required to enhance this.

Community members want to "see" justice in their community and increased access to justice. In Queensland, almost 40 per cent of Aboriginal and Torres Strait Islander peoples live in outer regional to very remote areas, compared with only 14.5 per cent of the non-Indigenous population. The outer regional to very remote population includes Queensland's discrete Indigenous local government areas. We know the impact that lack of adequate services has for community members who live in remote and discrete areas, including for persons who experience domestic and family violence.

"Success of the strategy would be to ensure the right and all relevant voices are included into the design"

- Person with lived experience with the justice system

Obje	ectives	National Agreement Priority Reform
3.1	Improve the justice system to be culturally responsive and free from all forms of racism.	PR1, PR3
3.2	Ensure we have an equitable and accessible justice system that promotes, protects, and respects the rights and safety of Aboriginal and Torres Strait Islander peoples.	PR1, PR3
3.3	Support Community Justice Groups.	PR1, PR2, PR3
3.4	Review policies and laws that inadvertently disadvantage Aboriginal and Torres Strait Islander peoples and consider options for reform.	PR3

## **Focus area four:** Address offending and reduce re-offending

By addressing offending behaviours, embedding accountability for actions, and providing the most relevant supportive, culturally responsive diversionary, rehabilitation and reintegration options, we will reduce re-offending, improve community safety and have positive impacts for victims and victim-survivors.

#### What we heard

Community told us about the need to strengthen holistic and trauma-informed practices in the justice system. Community emphasised moving towards preventive and restorative justice models that directly address rehabilitation and reintegration as key interventions to reduce cycles of offending and improve overall community safety. Reintegration is complex and requires a whole-of-government approach to develop coordinated, integrated and inclusive support to persons returning to community and to maintain broader community safety. Resourcing a community-led approach to reintegration encourages a group responsibility for the care of individuals in the criminal justice system. This includes supporting our frontline services to be protected in their work and to effectively work with government and community to address the root causes of crime.

Community told us there is a need to support community with a flexible, victim-centric process that can supplement conventional criminal justice processes. Supporting culture, laws and traditions that nurture and provide order and stability in Aboriginal and Torres Strait Islander communities will strengthen cultural authority. This will assist in addressing certain systemic and environmental factors that contribute to offending.

Community sees initiatives such as conditional bail programs; court diversion or specialist courts; support services for victims and victim survivors and persons who have offended; bail support programs and support for people transitioning out of the criminal justice system as vital in contributing towards efforts to disrupt cycles of contact with the criminal justice system.

"Justice isn't about punishment, it's about understanding, healing, and community. Our people need a system that sees us, hears us and recognises our unique history and challenges"

- Community member

Obje	ectives	National Agreement Priority Reform
4.1	Ensure the justice system provides a holistic and trauma- informed approach with therapeutic and healing options.	PR3
4.2	Improve access to culturally safe and appropriate diversion, restorative justice, bail support options and community-based sentencing options.	PR2, PR3
4.3	Enhance culturally safe and appropriate support for victims, victim-survivors, and offenders and families.	PR1, PR2, PR3
4.4	Provide culturally safe and appropriate support to transition back to the community.	PR2, PR3
4.5	Improved access to culturally safe and appropriate programs designed and delivered by Aboriginal and Torres Strait Islander peoples to reduce offending and enhance community safety.	PR2, PR3

# Implementation

Everyone has a role to play in keeping our community safe. *Better Justice Together* will be implemented by the Queensland Government in partnership with Aboriginal and Torres Strait Islander peoples, communities and organisations.

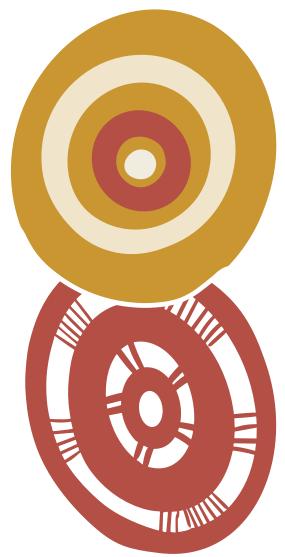
A series of co-designed action plans, building on earlier achievements and outcomes, will guide the implementation of *Better Justice Together*. The action plans will provide clear roadmap for what we are going to do, ensure ongoing commitment and action to improve community safety and reduce the disproportionate representation of Aboriginal and Torres Strait Islander peoples in the justice system:

- 2024–2026: Foundational Continue to work in partnership to build and secure strong foundations for *Better Justice Together*.
- 2026–2028: Strengthen Strengthen our key focus areas to embed new and innovative methods of working.
- 2028–2031: Embed and refresh Embed the key focus areas of *Better Justice Together* and embrace learnings from the Foundational and Strengthen action plans to adapt and refresh our approach.

Our implementation approach will adopt a partnership-based approach and enhance community safety by responding to the needs of local communities including through support for prevention and early intervention initiatives. Implementation of *Better Justice Together* along with other government initiatives will all contribute to enhancing community safety and addressing the disproportionate representation of Aboriginal and Torres Strait Islander peoples in the justice system as victims, victim-survivors and offenders.

The success of *Better Justice Together* will require long term commitment, leadership, transparency, accountability and ongoing collaboration with Aboriginal and Torres Strait Islander communities and stakeholders. It is essential to ensure that *Better Justice Together* meets the needs and circumstances of the diverse regions and communities across Queensland. *Better Justice Together* drives action to address the need for transformational change across the justice system and address its contribution to the underlying causes.

This does not change our commitment to other international, national and state initiatives or strategies related to achieving a fair, safe and just justice system for Aboriginal and Torres Strait Islander peoples. *Better Justice Together* will align with and build on the work being done in those areas.



# Governance and accountability

The Queensland Government is committed to the implementation of *Better Justice Together* and this begins with implementation of the Foundational Action Plan in partnership with community. DJAG will be responsible for oversight of the implementation of *Better Justice Together* and the *Foundational Action Plan 2024–2026*.

DJAG alongside lead agencies and organisations will report on progress to the Justice Policy Partnership (JPP) Executive Governance Group. The Queensland Government will hold itself to account, including to Aboriginal and Torres Strait Islander peoples, through the co-designed monitoring and evaluation plan.

#### National Agreement on Closing the Gap

The National Agreement on Closing the Gap is the overarching framework to support delivery of practical and meaningful change to ensure governments work in partnership with Aboriginal and Torres Strait Islanders and their representatives to improve life outcomes. The Queensland Government is held accountable for progress on the National Agreement, its Priority Reforms and Targets through the Productivity Commission's Closing the Gap national data dashboard and *Annual Data Compilation Report*.

#### Commonwealth Justice Policy Partnership

The Commonwealth JPP was established in mid-2021 as one of five policy partnerships as a joined-up approach between the Commonwealth, states and territories and Aboriginal and Torres Strait Islander representatives under Priority Reform One of the National Agreement. The Commonwealth JPP's focus is on reducing adult and youth incarceration and this partnership is guided by an *Agreement to Implement the JPP*. Establishment of the JPP was prioritised in recognition that the causes of mass incarceration of Aboriginal and Torres Strait Islander peoples can only be addressed by changes at the systemic and institutional level.

#### JPP Executive Governance Group

In Queensland, we have established strong governance arrangements for the JPP in partnership with members of the Queensland Aboriginal and Torres Strait Islander Coalition and independent Aboriginal and Torres Strait Islander representatives. These governance arrangements include the Queensland JPP Executive Governance Group, co-chaired by the Deputy Director-General of Justice Policy and Reform within DJAG, and the Chief Executive Officer (CEO) of the Aboriginal and Torres Strait Islander Legal Service. Other members include:

CEOs of Aboriginal and Torres Strait Islander Housing Queensland, Queensland Aboriginal and Islander Health Council, Queensland Aboriginal and Torres Strait Islander Child Protection Peak and Queensland Indigenous Family Violence Legal Service.

Commissioner of the Queensland Family and Child Commission.

- Two members of the Queensland First Children and Families Board.
- Deputy Director-General level representatives from government agencies.

The Queensland JPP Executive Governance Group is supported by the JPP Cross Agency Working Group, consisting of members from the above organisations.



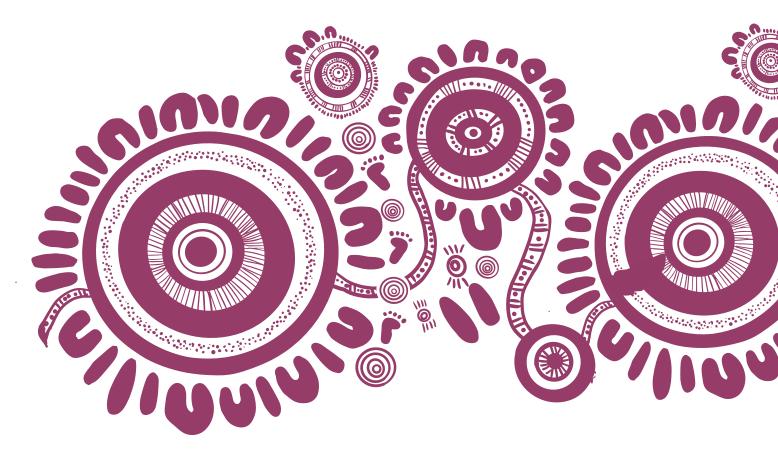
### Monitoring, review and evaluation

We are committed to ensuring meaningful change is achieved in implementing *Better Justice Together* through a robust monitoring and evaluation plan to ensure progress, transparency, accountability and continuous improvement.

A monitoring and evaluation plan will be co-designed with Aboriginal and Torres Strait Islander communities to ensure:

- measures of success and key indicators meet both community and government needs.
- improvements can be easily identified.
- the objectives of the Strategy are met.

The monitoring and evaluation plan will support the ongoing implementation of initiatives and programs and inform the development of future action plans.

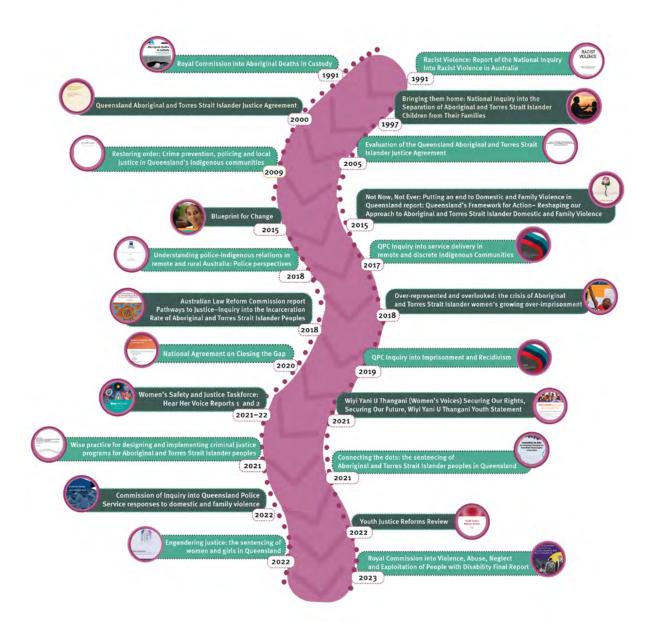


# Appendix

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#### Appendix One

Key inquiries, reports, and reviews which have examined factors relevant to the overrepresentation of Aboriginal and Torres Strait Islander peoples in the justice system.





#### Appendix Two: Glossary

Co-designed whole-of-government and community strategy to address the overrepresentation of Aboriginal and Torres Strait Islanders in the criminal justice system
Non-government organisations run by members of the local Aboriginal and Torres Strait Islander community to provide a community-based response to local justice-related issues in their community utilising cultural leadership and capability to contribute to whole of system outcomes.
Cultural safety is about overcoming the power imbalances of places, people and policies that occur between the majority non-Indigenous position and the minority Aboriginal and Torres Strait Islander person so that there is no assault, challenge or denial of the Aboriginal and Torres Strait Islander person's identity, of who they are and what they need. Cultural safety is met through actions from the majority position which recognise, respect, and nurture the unique cultural identity of Aboriginal and Torres Strait Islander person strait Islander person who is recipient of a service or interaction can determine whether it is culturally safe.
We acknowledge there are many definitions of justice reinvestment. Justice Reinvestment Network Australia outlines justice reinvestment as a way of working that shifts power and decision making to Aboriginal and Torres Strait Islander communities to determine the best way to improve justice outcomes in their community, which we believe, aligns closely with the intent of this strategy. Justice reinvestment is a long- term community-led approach to address the drivers of contact with the criminal justice system through a life-course and preventative focus to reduce the overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system.
Place-based approaches empower community to participate, lead and own the initiatives that are important to meet community needs. The approach is also helpful to break down fear and stigma by engaging community, family and children in their own environment to take charge of their own wellbeing. Recognising the different needs of people through place-based solutions creates better results.
Self-determination is a principle preserved in international law. According to law, all peoples have the right of self-determination and "by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development". This also aligns with the United Nations Declaration on the Rights of Indigenous Peoples. For Aboriginal and Torres Strait Islander peoples in Australia, the right to self-determination has and continues to be of fundamental importance in improving wellbeing outcomes.
An independent, consultative taskforce established by the Queensland Government to examine coercive control and review the need for a specific offence of domestic violence, and the experience of women across the criminal justice system. The Taskforce made recommendations to the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence.

#### Appendix Three

*Better Justice Together* works and aligns with the national and state level strategies to enhance a whole-of-system approach to improving community safety and reducing the disproportionate representation of Aboriginal and Torres Strait Islander peoples in the criminal justice system.

#### At a national level

- » The National Plan to End Violence Against Women and Children 2022–2032
- » The Aboriginal and Torres Strait Islander Action Plan 2023–2025
- » The National Aboriginal and Torres Strait Islander Early Childhood Strategy
- » Safe and Supported: The National Framework for Protecting Australia's Children 2021–2031
- » Safe and Supported Aboriginal and Torres Strait Islander First Action Plan 2023–2026
- » The Royal Commission into Violence, Abuse, Neglect and Exploitation of people with disability
- » Australia's Disability Strategy 2021–2031

#### At a state level

#### **Community Safety and Justice**

- » A Safer Queensland Queensland Youth Justice Strategy 2024–28
- » Domestic and Family Violence Prevention Strategy 2016–2026 and the Fourth Action Plan 2022–2026
- » Framework for Action: Reshaping our Approach to Aboriginal and Torres Strait Islander Domestic and Family Violence
- » Safe Children and Strong Communities: A Strategy and Action Plan for Aboriginal and Torres Strait Islander Peoples and Organisations Accessing the Blue Card System 2021–2025
- » Domestic and family violence prevention corporate and community organisation engagement framework
- » Prevent. Support. Believe. Queensland's framework to address sexual violence

#### Education

- » Equity and Excellence: Realising the potential of every student
- » A Great Start for All Queensland Children an Early Years Plan for Queensland

#### **Employment and Training**

- » Paving the Way: First Nations Training Strategy
- » Good People. Good Jobs: Queensland Workforce Strategy 2022–2032
- » Good Jobs, Great Training: Queensland Skills Strategy 2024–2028

#### Health

- » HealthQ32—First Nations First Strategy 2032
- » First Nations Health Equity Strategies 2022–2025 in each hospital and health service
- » Growing Deadly Families: Aboriginal and Torres Strait Islander Maternity Services Strategy 2019–2025
- » Better Care Together: A Plan for Queensland's State-Funded Mental Health, Alcohol and Other Drug Services to 2027

#### Housing

- » Homes for Queenslanders plan
- » Queensland Housing and Homelessness Action Plan 2021–2025
- » Towards Ending Homelessness for Young Queenslanders 2022–2027: A Policy and Integrated Framework of Housing with Support
- » Our Place: A First Nations Housing and Homelessness Action Plan 2024–2027

#### Young people and families

- » Communities 2032—a long-term strategy to build communities that will support all Queenslanders to live their best lives (released in 2022)
- » Our Way Strategy 2017–2037
- » Breaking Cycles action plan 2023–2025

#### Whole-of-government

- » Reframing the Relationship Plans under the Public Sector Act 2022
- » Queensland's Path to Treaty Commitment and the Path to Treaty Act 2023
- » Queensland Government Reconciliation Action Plan 2023–2025
- » Queensland's Closing the Gap Implementation Plan 2023–24
- » Activate! Queensland 2019-2029
- » Putting Queensland Kids First: Giving our kids the opportunity of a lifetime
- » Aboriginal and Torres Strait Islander Healing Strategy 2020–2040

Aboriginal and Torres Strait Islander Partnerships

» Local Thriving Communities Action Plan 2022–24

#### Persons with disability

» Queensland's Disability Plan 2022-27: Together, a better Queensland



