



Editorial Introduction

Justice reinvestment has received much attention in recent years and has occasionally been successfully applied in Australian contexts. This paper highlights the distinct features of this approach, as applied in a discrete Indigenous community, the Northern Peninsula Area (NPA). Over half of Indigenous inmates in North Queensland correctional facilities are imprisoned for licence-related offences. Licensing musters in the NPA have, in a short period of time, assisted over 29.4% of the licensable population with licensing- and identity-related issues. This important cross-agency and community-driven work has implications beyond criminal justice, also addressing disadvantage associated with education and employment.

- **Residents:** 2,796 people
- **Identity:** over 80% of the population is Aboriginal and/or Torres Strait Islander
- **Age:** 54% of the population is under 25 years old
- **Employment:** over 20% of the population is unemployed (compared to 5.6% nationally)
- **Motor vehicles per dwelling:** 1.1

Box 1. NPA Profile (ABS, 2016).

Justice Reinvestment in the Northern Peninsula Area The NPA Licence and ID Muster Initiatives

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Introduction

Driving-related offending is a significant contributor to the over-representation of Indigenous people in the Australian prison system. The Northern Peninsula Area (NPA) Licence and ID Muster Initiative is a justice reinvestment strategy that has been providing cross-agency, holistic, evidence-based and proactive support to the five NPA communities (Bamaga, Injinoo, New Mapoon, Seisia and Umagico) around licensing, registration and identity documents since July 2019. A profile of the NPA communities is provided in Box 1. The ultimate goal of the NPA Licence and ID Muster Initiative is to reduce Aboriginal and Torres Strait Islander people's unnecessary contact with the criminal justice system due to driving- and vehicle-related offending.

What is justice reinvestment?

The concept of justice reinvestment emerged approximately 20 years ago, initially gaining prominence in criminal justice policy in the United States and the United Kingdom through its appeal to both political progressives and conservatives (Brown et al., 2012). Justice reinvestment in Australia can be characterised as having a place-based approach, directing funds to those groups and communities most over-represented in the criminal justice system (Willis & Kapira, 2018).

Justice reinvestment is a community-led, collaborative process using place-based data to develop strategies aimed at addressing the root causes of offending. The rationale behind the process is to divert people away from contact with the criminal justice system (including contact with the police, courts and, ultimately, incarceration), in turn generating a financial saving for the government that can potentially be reinvested into community-led prevention, early intervention strategies and diversionary strategies. The process follows an iterative evolution of data capture, community feedback, strategy co-design, implementation, evaluation and adjustment. Crucially, justice reinvestment depends on cross-agency cooperation and multi-stakeholder participation to case manage holistic solutions at an individual level while also addressing at a policy level the systems and processes causing and compounding disadvantage (see Just Reinvest NSW, n.d.-a).

An evaluation of the pioneering Maranguka Justice Reinvestment Project in Bourke, New South Wales (KPMG, 2018), found significant improvements in family strength, youth development and adult empowerment, with criminal justice cost savings. Recent research argues that the NPA and nearby Torres Strait Region can be characterised as relatively economically disadvantaged but demonstrating high levels of social capital—a context suitable for justice reinvestment (Scott et al., 2021).

Why is licensing a key issue in the NPA?

Lack of mobility is closely linked to crime in rural and remote areas. Blagg and Anthony (2020, p. 144) observe that ‘mobility remains a major site of contestation in the Global South between coloniser and colonised, city and country, centre and periphery’. They add that mobility is always produced in relation to immobility in colonial spheres. With respect to this, motor vehicles play a prominent role in Indigenous Australian cultures, both in a material and symbolic manner. On one level, they might represent the possibility of unfettered freedom, escape (from government authority) and autonomy through providing work and leisure opportunities.

On another level, in remote places, ‘hybridised’ and ‘Indigenised’ vehicles have been appropriated to speak to the economic and cultural realities of everyday life, becoming a ‘means of achieving traditional collective goals and expressing distinctly Aboriginal values’ (Blagg & Anthony, 2020, p. 149).

The NPA communities are extremely remote (see Figure 1), and access to government services in the NPA is highly limited (see Cullen et al., 2016).

Licensing services are provided through sporadic fly-in-fly-out visits by the Department of Transport and Main Roads (DTMR) Indigenous Driver Licensing Unit (known in communities as the ‘Licensing Mob’). Limited and inconsistent licensing and registration services are also offered through the Bamaga police station, acting as an agent for DTMR. Neither adequately meets the service needs of the communities. A Queensland Productivity Commission (2017) report found service delivery in remote and discrete communities to be ‘complex’ and the current system service to be ‘fundamentally broken’.

Using online government services (e.g., to renew a licence) may be unfeasible for many community members, as phone and internet coverage in the NPA is inconsistent and access to the necessary technology and information technology knowledge/skills is limited for some. No public transport is available in the NPA. In conjunction with this, the vast distances between communities, opportunities for employment and key services such as schools, shops and hospitals make driving a necessity.

There is no postal delivery service in the NPA; mail is delivered to central hubs in each community and is often slow, unreliable and difficult to access without transport.

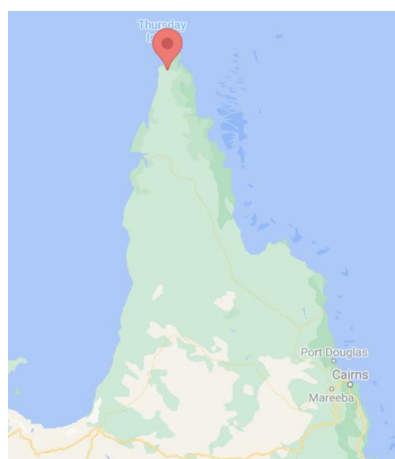


Figure 1. NPA region (Google Maps).

Important mail, such as licence and registration renewal notices or letters about State Penalty Enforcement Agency (SPER) debts, are frequently lost.

English is a second or third language for many community members in the NPA. Yumplatok (Torres Strait Creole) is the most commonly spoken language, with 52.7% of NPA households speaking a language other than English (ABS, 2016). Low levels of English literacy and understanding are significant barriers to completing forms, and the government has failed to provide access to forms in traditional languages (e.g., a birth certificate application or licence renewal form) or instructions for navigating the fines and debt system.

These factors converge, resulting in non-violent driving and vehicle-related offences accounting for 18% of offences committed in the NPA. The most common offences are driving while unlicensed, disqualified or suspended and driving an unregistered/uninsured vehicle (see Queensland Police Service, n.d.). This figure aligns with other research showing that Indigenous Australians broadly face higher contact with the criminal justice system for driving-related offences (Cullen et al., 2016).

A justice reinvestment approach

In 2019, extensive discussions began at the NPA Community Wellbeing Interagency Forum—a community stakeholder group consisting of community, government and non-government bodies and community members—asking, ‘How can we break this cycle of preventable contact with the criminal justice system?’ The impetus to implement a justice reinvestment initiative developed from these discussions.

A 'backbone team' (Just Reinvest NSW, n.d.-b) comprised of the Aboriginal and Torres Strait Islander Legal Service Qld Ltd (ATSILS), Queensland Police Service (QPS) Bamaga and the NPA Community Justice Group (NPA CJG) was established to push the initiative forward. This team worked to engage other stakeholders, collectively known as 'Muster Partners'. Community-specific data were gathered to assist in pinpointing NPA priorities, then presented to the NPA communities for discussion and feedback. Community feedback was used to co-design solutions to break the cycle of contact.

This work culminated in the establishment of the NPA Licence and ID Muster Initiative (the Muster). 'Muster' was the name designated by Elders within the communities, being emblematic of the way government services should be mustered into a holistic program meeting community needs in a systematic, coordinated and collaborative way, instead of the standard model of multiple siloed services.

Barriers and responses

The first Muster event was held in July 2019 at the Bamaga courthouse precinct, with a strong turnout from the five NPA communities reflecting the unmet needs around these issues. Comprehensive data were collected at this first Muster event, capturing participant characteristics and the barriers they faced. This enabled the Muster to grow and adapt its assistance strategies and community activities, evolving the program. From this cumulative body of work, the root causes of the cycle of contact emerged, along with the targeted responses co-designed by community groups and stakeholders.

Barrier: Lack of access to consistent and sufficient identity documents

Lack of access to consistent and sufficient identity documents is the preliminary and often most significant barrier to members of the NPA communities obtaining a licence. As a primary identity document, a birth certificate is essential for obtaining a licence, Medicare card, tax file number, Blue Card and other key identity documents, and for enrolling in school or day care. The first Muster event highlighted the extent of this issue in the NPA—30% of attendees did not have a valid licence or documents necessary to prove their identity.

One reason unique to the NPA for this lack of identity documentation stems from the prevalence of the Torres Strait Islander child-rearing practice in the region. Traditional Adoption is a cultural practice where children are transferred permanently from their biological parents to another person/couple (usually extended family members) for those person/s to raise as their own.

Historically, government services and administrative processes have lacked the necessary flexibility to recognise these types of cultural arrangements, leading to high rates of unregistered births or inconsistent identity documents. It is estimated that in Queensland, approximately 15–18% of births to Indigenous mothers are not registered, compared to 1.8% of births to non-Indigenous mothers (Queensland Ombudsman, 2018).

Response: Identity Drives

The Muster engaged in regular 'Identity Drives'—targeted events providing intensive and comprehensive assistance to particularly vulnerable cohorts within the NPA to obtain identity documents. For example, the Muster ran Identity Drives for 16- to 18-year-olds to ensure that young people have the necessary documents to obtain a licence.

Through these Identity Drives, it was established that approximately 16% of the children in Years 10–12 within the NPA were unregistered or their registration status was not easily confirmed. In response, the backbone team developed collaborative partnerships with the Registry of Births, Deaths and Marriages (RBDM) and NPA State College to assist families in registering their children and obtaining their birth certificates for the first time. Culturally safe Identity Drives also took place for other cohorts identified as vulnerable, such as women experiencing domestic violence and participants of the Community Development Program (CDP) (a federal program to assist remote job seekers).

Barrier: Difficulties obtaining a learner licence

For many NPA community members, applying for their learner licence often presents insurmountable hurdles. Prior to the Muster, the only options for sitting the written learner theory test were to do so at the Bamaga police station or during the Licensing Mob's infrequent visits. Further, the theory test is in English, and many community members find the test's language and form difficult to comprehend. Lack of confidence, low English literacy, language access issues and lack of cultural safety protocols around sitting the test led to many community members not getting their learner licence. The cost of obtaining a learner licence can also be prohibitive.

Response: Learner workshops

In partnership with QPS Bamaga, the Licensing Mob, NPA State College and NPA Family and Community Services (FACS), the Muster began running learner workshops in Yumplatok language. These workshops were run for school students, CDP participants and the community at large.

Workshops for men and women were offered separately at Muster events to ensure cultural safety.

Barrier: Practical driving test—access to a vehicle

Lack of access to a registered and roadworthy vehicle is a major barrier for many community members who wish to sit for their provisional (P1/P2) licence.

Response: Purchase of a vehicle for practical tests

The NPA CJG was granted discrete funding from the Department of Justice and Attorney General to purchase a vehicle to be made available to community members who need a registered and roadworthy vehicle to sit their practical test.

Barrier: Cost

The NPA communities have high rates of unemployment, and many community members experience socio-economic disadvantage. The costs of obtaining and maintaining a licence and car registration are a significant barrier for community members.

Response: Brokerage

By working collaboratively across stakeholders, the Muster coordinated the pooling of resources and streamlining processes for accessing available brokerage for essential identity documents and licences. In total, nearly \$8,000 of brokerage from a wide range of government and non-government services was provided through the Muster to community members requiring financial assistance to obtain identity documents or licences.

Barrier: Cumulative disqualifications, SPER suspensions and the effects of mandatory sentencing laws

Mandatory sentencing laws for driving-related offences have a disproportionate effect on Aboriginal and Torres Strait Islander people, especially those living in remote communities such as the NPA (Australian Law Reform Commission, 2017). Another significant contributing factor to contact with the criminal justice system in the NPA is debts registered with SPER. If a person defaults on their SPER debt, their licence is automatically suspended. Often community members do not realise their licence is SPER suspended and continue to drive, increasing the risk of further charges and, ultimately, incarceration.

A significant number of people who have sought help through the Muster did not understand the status of their licence. For example, many did not understand that once a court-ordered disqualification period is completed, the licence remains disqualified until the community member reapplies for the licence.

Response: Community legal education and targeted legal assistance

ATSILS has implemented targeted community legal education activities around mandatory sentencing laws and increased comprehensive engagement with community members who have been received periods of court-ordered disqualification or SPER fines resulting from their court matters.

Outcomes

Overall, the Muster events assisted 521 people, representing 29% of the licensable population (aged 15+ years) in the NPA.

Just under 200 applications were made to RBDM for birth registrations, birth certificates and change-of-name applications.

38% of Muster participants were assisted with securing or amending a primary identity document.

Where the written component of licence tests was sat in a culturally safe way through a learner workshop, there was an almost 100% pass rate for participants.

61 participants sat their learner theory test through a learner workshop, 25% of whom were young people under the age of 18 and 13% of whom were Newstart recipients supported through the CDP with brokerage for the licence.

24% of participants were assisted with obtaining their learner licence for the first time or upgrading their existing licence (e.g., Learner to Provision, Car to Light Rigid, Medium Rigid or Heavy Rigid).

At the time of writing, 23 Muster participants are being provided ongoing legal assistance regarding a licence-related issue, including advice on the removal of a disqualification period or resolving a SPER debt.

Postscript

On 30 June 2021, ATSILS withdrew legal service provision in the Torres Strait and NPA regions, including Prevention, Early Intervention and Community Legal Education (PICLE) services. PICLE services provided central coordination and direct resource funding to the Muster. In the absence of this, the NPA Licence and ID Muster Initiative effectively ceased operations, as there was insufficient infrastructure, capacity and funding to ensure program continuity.

References

- Australia Bureau of Statistics (ABS). (2016). Census QuickStats – Northern Peninsula Area. https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/LGA35780
- Australian Law Reform Commission. (2017, December). Pathways to justice—inquiry into the incarceration rate of Aboriginal and Torres Strait Islander Peoples (ALRC Report No. 133). <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/>
- Brown, D., Schwartz, M. & Boseley, L. (2012). The promise of justice reinvestment. *Alternative Law Journal*, 37(2), 96–102. <https://doi.org/10.1177/1037969X1203700206>
- Blagg, H. & Anthony, T. (2020). Roads to freedom? Indigenous mobility and settler law in Central Australia. In P. Carlen & L. Ayres França (Eds.), *Justice alternatives* (pp. 144–157). Routledge.
- Centre for Accident Research and Road Safety Queensland. (2021). Rural and remote road safety (Centre for Accident Research and Road Safety – Queensland Fact Sheets). <https://research.qut.edu.au/carrsq/wp-content/uploads/sites/296/2021/04/Rural-remote-road-safety.pdf>
- Cullen, P., Clapham, K., Hunter, K., Treacy, R. & Ivers, R. (2016). Challenges to driver licensing participation for Aboriginal people in Australia: A systematic review of the literature. *International Journal of Equity in Health*, 15, article 134.
- Just Reinvest NSW. (n.d.-a). What is ‘justice reinvestment’. <https://www.justreinvest.org.au/about-us/>
- Just Reinvest NSW. (n.d.-b). JRToolkit. <https://www.justreinvest.org.au/jr-toolkit-2>
- KPMG. (2018). Maranguka Justice Reinvestment Project: Impact assessment. <https://www.justreinvest.org.au/wp-content/uploads/2018/11/Maranguka-Justice-Reinvestment-Project-KPMG-Impact-Assessment-FINAL-REPORT.pdf>
- Queensland Government. (2020). Getting a customer reference number. <https://www.publications.qld.gov.au/dataset/resources-for-aboriginal-and-torres-strait-islander-organisations-and-communities/resource/904d36da-b673-413f-a74d-64d87d45bf65>
- Queensland Ombudsman. (2018). The Indigenous birth registration report: An investigation into the under-registration of Indigenous births in Queensland. <https://www.ombudsman.qld.gov.au/improve-public-administration/investigative-reports-and-casebooks/investigative-reports/the-indigenous-birth-registration-report>
- Queensland Police Service. (n.d.). Online crime map. <https://qps-ocm.s3-ap-southeast-2.amazonaws.com/index.html>
- Queensland Productivity Commission. (2017). Service delivery in remote and discrete Aboriginal and Torres Strait Islander communities. <https://gpc.blob.core.windows.net/wordpress/2018/06/Summary-Report-Service-Delivery-Final-Report.pdf>
- Scott, J., Staines, Z. & Morton, J. (2021). Crime, justice and social capital in the Torres Strait region (Trends and Issues in Crime and Criminal Justice No. 620). Australian Institute of Criminology. <https://www.aic.gov.au/publications/tandi/tandi620>
- Willis, M. & Kapira, M. (2018). Justice reinvestment in Australia: A review of the literature (AIC Research Report 09). Australian Institute of Criminology. https://www.aic.gov.au/sites/default/files/2020-05/rr09_justice_reinvestment_in_australia_160518_0.pdf

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