

# **PRE-BUDGET SUBMISSION**

## **2018-2019**

*A framework for safer and stronger communities*

**Just Reinvest NSW** is a coalition of organisations that have come together to address the significant overrepresentation of Aboriginal people in custody through a Justice Reinvestment framework. Justice reinvestment is a place based, data-driven approach to justice that builds stronger communities by redirecting money that would be spent on prisons into early intervention, crime prevention and diversion.

### **Key Objectives**

**> Reducing crime to create safer communities:**

*adequate resourcing to meet the complex needs of offenders in the community to address the underlying causes of crime, reduce recidivism and create safer communities.*

**> An end to postcode justice:**

*equal access to and adequate resourcing for diversionary sentencing options, rehabilitation programs and therapeutic court settings across NSW.*

**> A smarter way to spend \$3.8 billion:**

*focusing expenditure on measures that will support early intervention, improve public health, strengthen communities and prevent crime.*

## Executive Summary

In 2016, the NSW Government responded to unprecedented growth in the state's prison population by investing in the biggest ever expansion of prison infrastructure. A significantly smaller investment was directed towards criminal justice reforms including rehabilitation programs.

This model of investment will not result in reduced reoffending rates nor will it reduce the alarming over-imprisonment rates of Aboriginal and Torres Strait Islander people in NSW.

A justice reinvestment model that directs resources towards diversion, crime prevention and early intervention is a smart investment for the NSW Government as it will generate substantial savings in the long term and create greater social benefits.<sup>1</sup> By adopting a justice reinvestment framework, the NSW Government will reduce reoffending and imprisonment rates and achieve other policy objectives including reducing the involvement of Aboriginal and Torres Strait Islander people with crime; investing in prevention approaches; empowering Aboriginal and Torres Strait Islander people; and improving the social and economic outcomes of Aboriginal and Torres Strait Islander people.<sup>2</sup>

### **We call on the NSW Government to**

#### **Adopt a new model of investment to reduce the Aboriginal and Torres Strait Islander prison population**

1. Invest an additional \$60 million over 2 years into early intervention, prevention and diversionary programs (*an upfront investment of the amount of savings that will be generated as a result of a 5% reduction in the prison population – a conservative estimate of the reduction in the prison population as a result of criminal justice reforms*).
2. Adopt and implement policy and legislative reforms recommended in the *Just Reinvest NSW Policy Paper #1: Smarter Sentencing & Parole Law Reform* to immediately reduce the Aboriginal and Torres Strait Islander prison population in NSW and free up resources for reinvestment.
3. Report annually on the impact of reforms to the criminal justice system (*implemented under the Criminal Justice Reform Package and as recommended by Just Reinvest NSW*) and the savings generated as a result of those reforms, and from 2019-20, annually reinvest a portion of those savings into a justice reinvestment fund for early intervention, prevention and diversionary programs to reduce Aboriginal and Torres Strait Islander offending, reoffending and imprisonment.
4. Allocate sufficient resources to community-based programs and supervision particularly in regional and remote areas, to ensure that reforms aimed at increasing the use of community-based orders and decreasing the rate of breaches of sentence and parole conditions are effective in reducing Aboriginal and Torres Strait Islander imprisonment and reoffending rates.
5. Allocate \$6.35 million over 5 years for a Justice Reinvestment Framework for NSW as part of the Department of Justice's strategy to address the overrepresentation of Aboriginal people in the criminal justice system (currently in development).

#### **Provide \$6.35 million over 5 years to establish a framework for community-led justice reinvestment in NSW**

6. Invest \$900,000 in existing community-led justice reinvestment trials.
7. Provide \$200,000 over 2 years for community engagement and scoping work to assess and prepare other communities for justice reinvestment trials.
8. In 2019-20, invest \$1.5 million over 5 years to establish a non-government justice reinvestment coordination and oversight body to coordinate and support community-led justice reinvestment.
9. In 2019-20, invest \$3.75 million over 5 years to support three community-led justice reinvestment trials across NSW in partnership with philanthropic, corporate and not-for-profit partners.

We would welcome the opportunity to discuss our submission further. For further information please contact Joanna Lunzer at [jo@justreinvest.org.au](mailto:jo@justreinvest.org.au).

Yours faithfully,

Sarah Hopkins  
Chair, Just Reinvest NSW  
Managing Solicitor, Justice Projects, ALS NSW/ACT

# What We Know

## Imprisonment of Aboriginal and Torres Strait Islander people in NSW

In NSW, Aboriginal and Torres Strait Islander people currently make up 24 per cent of the adult prison population but only 2 per cent of the overall population. Aboriginal and Torres Strait Islander women make up 32 per cent of the adult female prison population.<sup>3</sup>

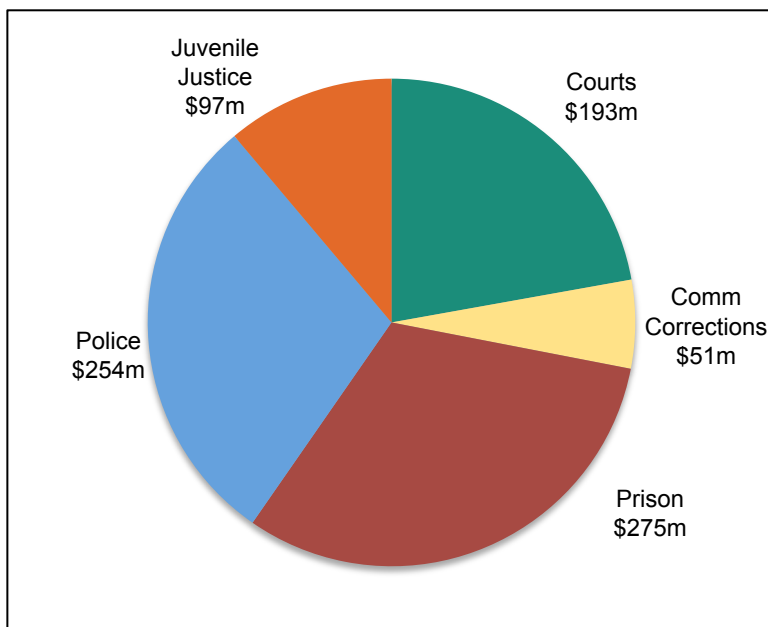
Aboriginal and Torres Strait Islander children and young people are overrepresented at an even higher rate: 45 per cent of juveniles in custody in NSW are Aboriginal and Torres Strait Islander (130 out of 288).<sup>4</sup>

Offending by Aboriginal and Torres Strait Islander people in NSW has decreased, while the rate of Aboriginal and Torres Strait Islander imprisonment has increased. From 2001 to 2015, arrests of Aboriginal and Torres Strait Islander people for violent offences dropped by 37 per cent, and for property crime by 33 per cent. In the same period, the rate of Aboriginal and Torres Strait Islander imprisonment rose by 40 per cent.<sup>5</sup>

40 per cent of Aboriginal defendants found guilty by NSW Courts are charged with minor offences such as traffic offences or breaches of custodial or community-based orders.<sup>6</sup>

**In 2016, the estimated fiscal cost of Aboriginal and Torres Strait Islander incarceration in NSW was \$0.9 billion.<sup>7</sup>**

*Figure 1: Allocation of \$0.9 billion on imprisonment of Aboriginal and Torres Strait Islander people across NSW Justice in 2016<sup>8</sup>*



In addition to the fiscal cost, there are clearly non-quantifiable costs of incarceration to Aboriginal and Torres Strait Islander people: financial and welfare insecurity, increased risk of homelessness, reduced health and wellbeing, and social exclusion.<sup>9</sup>

Incarceration can result in a reduction in employment opportunities and increased social marginalisation for offenders returning to their communities. Substance abuse issues, and poor tenant and payment histories mean that Aboriginal and Torres Strait Islander offenders are less likely to find safe accommodation, increasing their risk of homelessness, and their risk of reoffending.<sup>10</sup>

The long-term social costs of incarceration also extend far beyond the individual. The absence of family members and community leaders can disrupt cultural identity within entire communities, leading to an intergenerational breakdown of irreplaceable family and community ties and entrenching a cycle of Aboriginal and Torres Strait Islander incarceration.<sup>11</sup>

## Aboriginal and Torres Strait Islander juveniles in custody

In September 2017, there were 288 juveniles in custody (166 in remand and 122 sentenced), 130 of which were Aboriginal and Torres Strait Islander (71 in remand and 59 sentenced).<sup>12</sup>

Since 2011, the overall number of juveniles in custody has decreased by 26 per cent, however the over-representation of Aboriginal and Torres Strait Islander juveniles in custody has remained virtually unchanged. Aboriginal and Torres Strait Islander juveniles currently make up 45 per cent of the total number of juveniles in custody.<sup>13</sup>

The average cost per day, per young person subject to detention-based supervision was \$1,333.89.<sup>14</sup>

## Growing prison population

Since 2011–12 the NSW adult prison population has increased by approximately 30 per cent, reaching a record high of approximately 13,017 prisoners in September 2017.<sup>15</sup> This population is expected to reach 13,500 by September 2018.<sup>16</sup> A projection of prisoner numbers commissioned by NSW Justice predicts that the prison population will grow by around 1,200 prisoners each year until 2020.<sup>17</sup>

## High rates of reoffending

Since 2013, reoffending in NSW has increased for both adults and juveniles.<sup>18</sup> 38 per cent of adults who left prison in 2013 were reconvicted of another offence within 12 months. For those leaving prison in 2015, the rate increased to 41 per cent.<sup>19</sup> Of those people who received a sentence of less than six months from October 2013, 63% of people reoffended within two years.

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## The Facts

- **Crime rates have decreased while imprisonment rates have increased**
    - Crime in Australia has decreased and the prison population has increased.<sup>20</sup> In NSW, between 2011 and 2015, the number of crimes trended down in the majority of crime categories<sup>21</sup> while the adult prison population increased by approximately 30 per cent
    - NSW is currently experiencing unprecedented growth in imprisonment numbers<sup>22</sup>, reaching a record of around 13,017 prisoners in September 2017.<sup>23</sup>
  - **Aboriginal and Torres Strait Islander offending has decreased but Aboriginal and Torres Strait Islander imprisonment has increased**
    - Crime rates for Aboriginal and Torres Strait Islander offenders have decreased while the Aboriginal and Torres Strait Islander prison population has increased.<sup>24</sup>
    - The overall number of juveniles in detention has decreased in NSW but Aboriginal and Torres Strait Islander young people are still disproportionately overrepresented and make up 54% of the Juvenile Detention population.<sup>25</sup>
    - Since 2001, Aboriginal and Torres Strait Islander over-representation in NSW prisons has doubled.<sup>26</sup>
  - **Prisons are not reducing reoffending**
    - Prison exerts little to no deterrent effect.<sup>27</sup>
    - Prisons increase the likelihood of reoffending on release.<sup>28</sup>
    - The rate of reoffending in NSW has increased over the last 3 years.<sup>29</sup>
    - Last year in NSW, more than half of those released from prison or Corrective Services had returned to prison or Corrective Services within two years of release.<sup>30</sup>
  - **A small number of communities produce a large number of those imprisoned**
    - In NSW about one-quarter of prisoners come from about 3 per cent of postcodes.<sup>31</sup>
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# Current Investment Model

## Record investment to expand prison infrastructure

The NSW Government has responded to the rapidly growing prison population by investing in 'the biggest ever expansion of infrastructure for the state's prison system'.<sup>32</sup> In the 2016-17 budget, \$3.8 billion (\$2.4 billion for capital costs) was allocated to the *Prison Bed Capacity Program*, a four-year program to deliver 7,000 additional beds (since renamed as the *Rapid Build Program*, the *Prison Bed Medium Term Program* and the *Prison Bed Immediate Future Needs Program*) (see **Attachment A** for breakdown of programs).<sup>33</sup> In 2016-17, 1,629 beds were built and a further 3,560 beds were in the design, procurement or construction phase.<sup>34</sup>

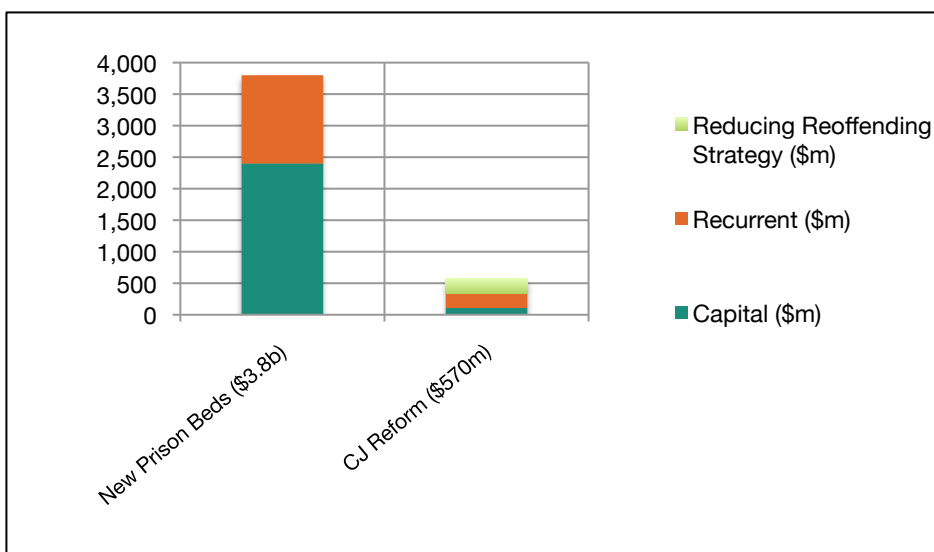
In March 2017, the Government announced its partnership with the Northern Pathways consortium to design, build, operate and manage the new Grafton Correctional Centre which will accommodate 1,700 prisoners and open in 2020.<sup>35</sup> Funding for this prison is additional to the \$3.8 billion. The contract amount is confidential however it is reported to be worth \$2.6 billion.<sup>36</sup>

## Investment in criminal justice reforms

In 2016-17 the NSW Government made a four-year commitment of \$570 million for the *Criminal Justice Reform Program*.<sup>37</sup> The *Criminal Justice Reform Program* includes a 'record spend' on rehabilitation through the *Reducing Reoffending Strategy* (the 'Strategy') - \$237 million over four years.<sup>38</sup> The Strategy was introduced to meet NSW targets to reduce adult reoffending by 5 per cent by 2019 (for which Corrective Services NSW has lead responsibility)<sup>39</sup> and the Premier's personal priority to reduce the proportion of domestic violence perpetrators reoffending by 25 per cent by 2019 (for which the Department of Justice is lead).<sup>40</sup>

The *Reducing Reoffending Strategy* includes \$19.5 million (in 2016-17 and 2017-18) for 10 new High Intensity Program Units in seven correctional centres for offenders serving sentences of six months or less to 'stop the 'revolving door' of short-sentenced offenders by delivering early intensive rehabilitation programs'.<sup>41</sup> Two of these Units will focus on the specific needs of Aboriginal and Torres Strait Islander offenders.<sup>42</sup>

Figure 2: Investment in new prison beds and investment in criminal justice reforms



## Investment in program to reduce Aboriginal over-representation

In their 2016-17 Annual Report, the Department of Justice reported on their implementation of a program to reduce Aboriginal over-representation under which they:

- Designed, implemented and delivered court-based programs to Aboriginal offenders and victims, including the *What's Your Plan* domestic violence intervention and the *Driver Licensing Access Program*
- Administered Aboriginal and Torres Strait Islander sentencing programs including Circle Sentencing and Care Circles
- Worked with communities to co-create culturally responsive solutions such as the *Koori Love Shouldn't Hurt* domestic violence education forums
- Built cultural capability in the department to better understand the needs of Aboriginal offenders and design programs and services that are culturally responsive
- Used SMS and AV link technology to support service delivery and help clients maintain contact with families while in custody
- Delivered a range of programs through Juvenile Justice to assist young Aboriginal and Torres Strait Islander offenders.<sup>43</sup>

The Department is currently developing a strategy to address the overrepresentation of Aboriginal people in the criminal justice system.<sup>44</sup>

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## Outcomes Under Current Approach

- **Reoffending rates are increasing**

In November 2017, the Audit Office of NSW reported that 'Department data shows that contrary to the State priority of reducing adult reoffending by five per cent by 2019, the rate has continued to increase'.<sup>45</sup> NSW Justice data demonstrates 'a consistent increase in reoffending rates over the last five years'.<sup>46</sup> Rates of domestic violence reoffending have marginally decreased, however they remain above the Premier's target for 2019.<sup>47</sup>

The Audit Office of NSW recommended that the NSW Department of Justice 'reassess the sufficiency and effectiveness of measures aimed at reducing reoffending, including the recently announced initiatives, if the State priority target is to be met by 2019'.<sup>48</sup>

The Audit Office also noted that the Department must ensure its measures to reduce reoffending are not compromised by continued overcrowding.<sup>49</sup>

- **Imprisonment rates are continuing to rise**

The latest custody report from the Bureau of Crime Statistics and Research (BOCSAR) states that, while the growth in the state's prison population has slowed, the population is still expected to reach a record of 13,500 by September 2018.<sup>50</sup>

The Audit Office of NSW reported that the NSW prison system remained overcrowded in 2016–17.<sup>51</sup>

- **The disproportionate rate of Aboriginal and Torres Strait Islander adult and juvenile imprisonment is continuing to increase**

The growth in Aboriginal and Torres Strait Islander imprisonment in NSW has been particularly rapid in recent times. Between 2013 and 2016 the NSW Aboriginal and Torres Strait Islander imprisonment rate grew by 25 per cent.<sup>52</sup>

The Aboriginal and Torres Strait Islander imprisonment rate in NSW is currently 13.5 times higher than the non-Aboriginal and Torres Strait Islander imprisonment rate.<sup>53</sup>

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# Recommended Investment Model

- **Implement further criminal justice reforms to reduce pressure on the NSW prison system and reduce the number of Aboriginal and Torres Strait Islander people in prison**
- **Redirect resources away from prison infrastructure and into evidence-based programs in communities to reduce offending, reoffending and imprisonment**
- **Invest in a justice reinvestment framework and community-led trials**

The need for change is clear. Both the Attorney-General and the Minister for Corrections have described the rate of Aboriginal and Torres Strait Islander incarceration as a ‘tragedy’ that is ‘unacceptable’.<sup>54</sup> At the same time, unprecedented growth in the prison population along with strong evidence that prison exerts little to no deterrent effect has increased the urgency for the NSW Government to find effective alternatives to imprisonment.<sup>55</sup>

A new approach is urgently needed to reduce offending, reoffending and imprisonment rates of Aboriginal and Torres Strait Islander people in NSW.

We welcome the recently introduced legislative and policy reforms which will result in a reduced prison population: reducing driver licence disqualification periods,

expanding the use of Intensive Corrections Orders (ICOs), introducing reintegration home detention, and reforms aimed at reducing breaches of sentence and parole orders. These reforms are a small step towards addressing the disproportionate imprisonment of Aboriginal and Torres Strait Islander people in NSW.

Further reforms however are critical. The financial cost of doing nothing is estimated at more than \$1.3 billion over the next 2 years (cost of building 1200 additional beds in 2018-19 and 2019-20). This cost will continue to rise if further reforms are not implemented as a matter of urgency. The social cost of doing nothing is immeasurable.

There is a clear opportunity for the NSW Government to lead the way in Australia to address the rising prison population by adopting a justice reinvestment approach.

## Action Needed

1. **Invest an additional \$60 million over 2 years into early intervention, prevention and diversionary programs.**

*This upfront investment reflects the amount of savings that will be generated as a result of a 5% reduction in the prison population – a conservative estimate of the reduction in the NSW prison population as a result of the criminal justice reforms currently being implemented by the NSW Government and reforms recommended by Just Reinvest NSW.<sup>56</sup>*

Programs receiving additional funding should include:

- Drug and alcohol programs - To identify and meet additional need, mapping of existing residential and non-residential drug and alcohol programs for Aboriginal and Torres Strait Islander people must be undertaken. Additional resourcing is needed for:

- Options for those with mental health issues, an intellectual disability or a cognitive impairment
  - Healing and cultural components including access to trauma-informed and culturally safe community based healing for offenders and victims
  - Additional programs for women and juveniles, and
  - Aftercare support.
- Programs to address the specific needs of Aboriginal and Torres Strait Islander women at risk of offending or reoffending including:
    - Aboriginal and Torres Strait Islander women's-specific services and residential programs
    - Holistic support services, particularly in relation to family violence, child protection and inter-generational trauma
    - Culturally appropriate, trauma-informed healing processes and community-controlled women's health services.
  - The Youth Koori Court and the establishment of the proposed district level Koori Court.
  - Support services and accommodation options for Aboriginal and Torres Strait Islander people on bail.
2. **Adopt and implement policy and legislative reforms** recommended in the *Just Reinvest NSW Policy Paper #1: Smarter Sentencing & Parole Law Reform* to immediately reduce the Aboriginal and Torres Strait Islander prison population in NSW and free up resources for reinvestment.
3. **Report annually on the impact of reforms to the criminal justice system** (*implemented under the Criminal Justice Reform Package and as recommended by Just Reinvest NSW*) and the savings generated as a result of those reforms, and **from 2019-20, annually reinvest a portion of those savings into a justice reinvestment fund for early intervention, prevention and diversionary programs to reduce Aboriginal and Torres Strait Islander offending, reoffending and imprisonment.**
- The portion of funding to be reinvested should be determined by the justice reinvestment coordination and oversight body (see Recommendation 7) and the NSW Government's Criminal Justice Transformation Board.*
4. **Allocate sufficient resources to community-based programs and supervision** particularly in regional and remote areas, to ensure that reforms aimed at increasing the use of community-based orders and decreasing the rate of breaches of sentence and parole conditions are effective in reducing Aboriginal and Torres Strait Islander imprisonment and reoffending rates.
5. **Allocate \$6.35 million over 5 years for a Justice Reinvestment Framework for NSW** (see *Recommendations 6 to 9*) as part of the Department of Justice's strategy to address the overrepresentation of Aboriginal people in the criminal justice system (currently in development).



# A Justice Reinvestment Framework

Community-led justice reinvestment aligns with NSW Government policies aiming to:

- Reduce the involvement of Aboriginal and Torres Strait Islander people with crime
- Invest in prevention approaches
- Empower Aboriginal and Torres Strait Islander people; and
- Improve the social and economic outcomes of Aboriginal and Torres Strait Islander people.<sup>57</sup>

To address the disproportionate rate of Aboriginal and Torres Strait Islander imprisonment, the underlying drivers of crime must be addressed. Funding must be redirected away from the expansion of prison infrastructure and reinvested in initiatives that strengthen communities and address the underlying causes of offending. Justice reinvestment is a mechanism for doing so.

Since commencing our work with the Bourke community through the Maranguka Justice

Reinvestment Project, more than 20 Aboriginal and Torres Strait Islander communities have contacted Just Reinvest NSW to learn more about developing and implementing local justice reinvestment initiatives.

In 2019, we will present the NSW Government with a cost-benefit analysis demonstrating the savings generated by implementing the Maranguka Justice Reinvestment Project in Bourke.

**Now is the time for the NSW Government to establish a framework to support and coordinate community-led justice reinvestment to build stronger and safer communities across the state.**

An investment in diversion, prevention and early intervention in justice is a smart investment for the NSW Government as it will generate substantial savings in the long term and create greater social benefits.

## Action Needed

6. **In 2018-2019, invest \$900,000 in existing community-led justice reinvestment trials**
  - \$150,000 over 2 years for a Community Data Manager for the Maranguka Justice Reinvestment Project
  - \$750,000 over 3 years for the Cowra justice reinvestment trial.
7. **In 2018-2019, provide \$200,000 over 2 years** to Just Reinvest NSW to undertake community engagement and scoping work to assess and **prepare other communities for justice reinvestment trials.**
8. **In 2019-2020, invest \$1.5 million over 5 years to establish a non-government justice reinvestment coordination and oversight body** to coordinate and support community-led justice reinvestment initiatives.
9. **In 2019-2020, invest \$3.75 million over 5 years to support three community-led justice reinvestment trials** across NSW in partnership with philanthropic, corporate and not-for-profit partners.

- <sup>1</sup> PriceWaterhouseCoopers, PwC's Indigenous Consulting and Change The Record, *Indigenous incarceration: Unlock the facts* (2017), <<https://www.pwc.com.au/indigenous-consulting/assets/indigenous-incarceration-may17.pdf>>, 58.
- <sup>2</sup> KPMG, *Unlocking the Future: Maranguka Justice Reinvestment Project in Bourke—Preliminary Assessment* (2016), <<http://www.justreinvest.org.au/wp-content/uploads/2016/11/KPMG-Preliminary-Assessment-Maranguka-Justice-Reinvestment-Project.pdf>>, 46.
- <sup>3</sup> NSW Bureau of Crime Statistics and Research, *NSW Custody Statistics: Quarterly Update September 2017*, <[http://www.bocsar.nsw.gov.au/Documents/custody/NSW\\_Custody\\_Statistics\\_Sept2017.pdf](http://www.bocsar.nsw.gov.au/Documents/custody/NSW_Custody_Statistics_Sept2017.pdf)>.
- <sup>4</sup> Ibid.
- <sup>5</sup> Don Weatherburn and Stephanie Ramsey, NSW Bureau of Crime Statistics and Research, 2016, Issue paper no.118 August 2016, *What's causing the growth in Indigenous Imprisonment in NSW?* <http://www.bocsar.nsw.gov.au/Documents/BB/Report-2016-What%27s-causing-the-growth-in-Indigenous-Imprisonment-in-NSW-BB118.pdf>
- <sup>6</sup> NSW Bureau of Crime Statistics and Research, *Statistical report series* (updated June 2016).
- <sup>7</sup> PriceWaterhouseCoopers, above n 1, 30.
- <sup>8</sup> Ibid, 30, Figure 16: 'Fiscal costs by jurisdiction in 2016 (justice costs only)'.
- <sup>9</sup> Ibid, 31-33.
- <sup>10</sup> Ibid.
- <sup>11</sup> Ibid.
- <sup>12</sup> NSW Bureau of Crime Statistics and Research,, Accessed at: [http://www.bocsar.nsw.gov.au/Pages/bocsar\\_custody\\_stats/bocsar\\_custody\\_stats.aspx](http://www.bocsar.nsw.gov.au/Pages/bocsar_custody_stats/bocsar_custody_stats.aspx)
- <sup>13</sup> Australian Government Productivity Commission, *Report on Government Services 2017*, <http://www.pc.gov.au/research/ongoing/report-on-government-services/2017/community-services/youth-justice/rogs-2017-volumef-chapter17.pdf>, pg117; BOCSAR, Accessed at: [http://www.bocsar.nsw.gov.au/Pages/bocsar\\_custody\\_stats/bocsar\\_custody\\_stats.aspx](http://www.bocsar.nsw.gov.au/Pages/bocsar_custody_stats/bocsar_custody_stats.aspx); Juvenile Justice, *Year in Review 2015-2016*, pg24, <http://www.juvenile.justice.nsw.gov.au/Pages/Juvenile%20Justice/publications/2015-16%20Year%20in%20Review.pdf>
- <sup>14</sup> Australian Government Productivity Commission, *Report on Government Services 2017*, <http://www.pc.gov.au/research/ongoing/report-on-government-services/2017/community-services/youth-justice/rogs-2017-volumef-chapter17.pdf>, pg117.
- <sup>15</sup> NSW Bureau of Crime Statistics and Research, above n 3.
- <sup>16</sup> Ibid.
- <sup>17</sup> Audit Office of NSW, *New South Wales Auditor-General's Report – Financial Audit – Volume Seven* (2016), <<https://www.audit.nsw.gov.au/publications/latest-reports/volume-seven-2016-report-on-justice>>.
- <sup>18</sup> NSW Bureau of Crime Statistics and Research, *Re-offending statistics for NSW*, <[http://www.bocsar.nsw.gov.au/Pages/bocsar\\_pages/Re-offending.aspx](http://www.bocsar.nsw.gov.au/Pages/bocsar_pages/Re-offending.aspx)>
- <sup>19</sup> Ibid.
- <sup>20</sup> B Mirko, & A Pathinayake, 'Jail up; crime down does not justify Australia becoming an incarceration nation.' *Australian Bar Review*, Vol 40 (2015).
- <sup>21</sup> Audit Office of NSW, above n 14, 51.
- <sup>22</sup> JJ Wang & S Poynton, S, 'Intensive correction orders versus short prison sentence: A comparison of re-offending', *Crime and Justice Bulletin No. 207*, NSW Bureau of Crime Statistics and Research <<http://www.bocsar.nsw.gov.au/Documents/CJB/2017-Report-Intensive-correction-orders-versus-short-prison-sentence-CJB207.pdf>>
- <sup>23</sup> NSW Bureau of Crime Statistics and Research, above n 3.
- <sup>24</sup> Don Weatherburn and Stephanie Ramsey, NSW Bureau of Crime Statistics and Research, 2016, Issue paper no.118 August 2016, *What's causing the growth in Indigenous Imprisonment in NSW?* <http://www.bocsar.nsw.gov.au/Documents/BB/Report-2016-What%27s-causing-the-growth-in-Indigenous-Imprisonment-in-NSW-BB118.pdf>
- <sup>25</sup> Juvenile Justice, *Year in Review 2015-2016*, pg24, <http://www.juvenile.justice.nsw.gov.au/Pages/Juvenile%20Justice/publications/2015-16%20Year%20in%20Review.pdf>
- <sup>26</sup> NSW Department of Justice, *Annual Report 2016-17*, <<http://www.justice.nsw.gov.au/Documents/Annual%20Reports/justice-nsw-annual-report-2016-17.pdf>>, 28.
- <sup>27</sup> Nagin, D.S., Cullen, F.T., & Jonson, C.L. 'Imprisonment and re-offending', In M. Tonry (Ed.) *Crime and Justice: A Review of Research*, vol. 38. (2009).
- <sup>28</sup> B Mirko, above n 18, 26; Weatherburn, D, 'The effect of prison on adult re-offending.' *Contemporary Issues in Crime and Justice*, No 143, NSW Bureau of Crime Statistics and Research (2010).
- <sup>29</sup> NSW Bureau of Crime Statistics and Research, above n 15.
- <sup>30</sup> Audit Office of NSW, *New South Wales Auditor-General's Report – Financial Audit - Report on Justice* (2017), <<https://www.audit.nsw.gov.au/publications/latest-reports/justice-2017>>.
- <sup>31</sup> Josie Taylor and Alison Branley, 'Dropping Off The Edge: Select suburbs stuck in cycle of disadvantage with little being done to help, report shows' *ABC News Online*, 21 July 2015, <<http://www.abc.net.au/news/2015-07-20/dropping-off-the-edge-disadvantage-entrenched-in-certain-suburbs/6631580>>.
- <sup>32</sup> James Robertson, 'Prison population to reach new records despite slowing growth', *SMH Online*, 30 October 2017, <<http://www.smh.com.au/nsw/prison-population-to-reach-new-records-despite-slowing-growth-20171030-gzb93b>>.
- <sup>33</sup> NSW Department of Justice, above n 24; NSW Government, *Infrastructure Statement 2017-18 – Budget Paper No. 1* (2017) <<https://www.budget.nsw.gov.au/sites/default/files/budget-2017-06/BP2%20Table%20of%20Contents.pdf>>; NSW Government, *Budget Estimates 2017-18 - Budget Paper No. 3* (2017) <<https://www.budget.nsw.gov.au/sites/default/files/budget-2017-06/BP3%20Table%20of%20contents.pdf>>; NSW Government, Justice, *New Prisons*, <<http://www.correctiveservices.justice.nsw.gov.au/new-prisons>>
- <sup>34</sup> NSW Department of Justice, above n 24.
- <sup>35</sup> Ibid.
- <sup>36</sup> Reuters, 'Serco Group wins \$2 billion Australian contract', *Reuters Online*, 20 June 2017, <<https://uk.reuters.com/article/uk-serco-group-contract-australia/serco-group-wins-2-billion-australian-contract-idUKKBN19B0JR>>.
- <sup>37</sup> NSW Department of Justice, 'Record investment in justice in NSW budget', *Media Release*, 21 June 2016, <<http://www.justice.nsw.gov.au/Pages/media-news/media-releases/2016/Record-investment-in-justice-in-NSW-budget.aspx>>
- <sup>38</sup> NSW Department of Justice, '\$237m investment in reducing reoffending' *Media Release*, 31 August 2016, <[http://www.justice.nsw.gov.au/Pages/media-news/media-releases/2016/\\$237m-investment-in-reducing-reoffending.aspx](http://www.justice.nsw.gov.au/Pages/media-news/media-releases/2016/$237m-investment-in-reducing-reoffending.aspx)>.
- <sup>39</sup> Audit Office of NSW, *New South Wales Auditor-General's Report – Report on Justice 2017 - Financial Audit*, <<https://www.audit.nsw.gov.au/publications/latest-reports/justice-2017>>
- <sup>40</sup> NSW Department of Justice, above n 24.
- <sup>41</sup> Audit Office of NSW, above n 37.
- <sup>42</sup> NSW Department of Justice, 'Rehabilitation programs for prisoners serving short sentences', *News*, 23 June 2017, <<https://www.nsw.gov.au/news-and-events/news/rehabilitation-programs-for-prisoners-serving-short-sentences/>>
- <sup>43</sup> NSW Department of Justice, above n 24, 28-29.
- <sup>44</sup> NSW Attorney-General, *Budget Estimates 2017-2018: Questions Taken on Notice, Legislative Council Portfolio Committee No.4*, (2017).

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<sup>45</sup> Audit Office of NSW, above n 37.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> NSW Bureau of Crime Statistics and Research, above n 3.

<sup>51</sup> Audit Office of NSW, above n 37.

<sup>52</sup> Australian Bureau of Statistics (2016). Prisoners in Australia 2016. Canberra: Australian Bureau of Statistics.

<sup>53</sup> Ibid.

<sup>54</sup> NSW Attorney-General, *Budget Estimates Portfolio Committee No. 4 – Legal Affairs - Examination of proposed expenditure for the portfolio area*, 8 September 2017.

<sup>55</sup> NSW Bureau of Crime Statistics and Research, above n 20, 2.

<sup>56</sup> BoCSAR has estimated that a 90% reduction in sentences of six months or less would result in a 5% reduction in the overall prison population.

<sup>57</sup> KPMG, above n 2.

# APPENDIX A

## Capital expenses for 2016-2017 and allocations for 2017-2018 for new prison beds\*

Program / Project	New beds	Estim. Total Cost (\$m)	Cost in 2016-17 (\$m)	Allocated in 2017-18 Budget <sup>57</sup> (\$m)	Expected Completion Date
<b>Rapid Build Program</b>					
Macquarie RBP at Wellington	400	188.1	167.8		Aug 2017
Hunter RBP at Cessnock	400	199.9	111.7		Oct 2017
<b>Total</b>	<b>800</b>	<b>388</b>	<b>179.5</b>	<b>127</b>	
<b>Prison Bed Medium Term Program</b>					
Parklea 150	650	190	38.8		Mar 2019
SCCC (Nowra )	360	166.6	13.9		June 2019
Junee	480	220.6	19.5		Dec 2019
Cessnock	600	390.3	4.3		TBA
Dawn de Laos (Silverwater)	440	36.8	0.1		TBA
OMMPCC (Windsor)	248	50.3	0.1		TBA
MNCCC (Kempsey)	440	177.5	1.4		July 2019
Bathurst	250	110.7	0		TBA
<b>Total</b>	<b>3,468</b>	<b>1,342.8 or 2,348.4</b>	<b>78.1 or 358.2 or 350</b>	<b>1,079.3</b>	<b>2020</b>
<b>Prison Bed Immediate Future Needs Program</b>					
Mary Wade (Juniperina)	94	12.9	4		Sep 17
Long Bay	?	4.5	0.1		Dec 17
John Morony (Windsor)	?	7.9	1.8		Sep 17
Illawarra RC (Wollongong)	60	5.1	4.2		Project Complete
Other upgrades		37.3	6.7		TBA
<b>Total</b>	<b>154</b>	<b>67.7</b>	<b>16.7<sup>57</sup> or 33.2<sup>57</sup> or 28.8<sup>57</sup></b>	<b>34.5</b>	<b>2018</b>
<b>New Grafton Correctional Centre</b>					
New Correctional Centre	1700	N/A**	2.3	N/A**	2020
Planning & procurement		20	16.6	1.3	2020
<b>Total</b>	<b>1700</b>	<b>N/A**</b>	<b>18.9</b>	<b>N/A**</b>	

\* These figures were collated from various sources and there appear to be some anomalies. The sources used were: NSW Department of Justice, *Annual Report 2016-17; General Government Sector Projects, Infrastructure Statement 2017-18*, 5-26, <<https://www.budget.nsw.gov.au/sites/default/files/budget-2017-06/5.%20General%20Government%20Sector%20Projects.pdf>>; NSW Parliament, *Legislative Council Questions And Answers No. 117*, 8 August 2017 <[https://www.parliament.nsw.gov.au/lc/papers/Documents/2017/8-august-2017-questions-and-answers/QA\\_117\\_08\\_AUGUST\\_2017.pdf](https://www.parliament.nsw.gov.au/lc/papers/Documents/2017/8-august-2017-questions-and-answers/QA_117_08_AUGUST_2017.pdf)>.

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