

CIRCUIT BREAKERS

How justice reinvestment is reshaping Bourke

Every day at 9.30am, a dozen Bourke residents gather for an unusual meeting. They meet at the Maranguka Hub on Mitchell Street, just a stone's throw from where journalist and poet Henry Lawson lived in a corrugated iron shed in 1892. It's also not far from where eye surgeon Fred Hollows ran his clinic from the 1970s.

Those meetings have a clear purpose: to tackle problems in the town as they arise, rather than wait for them to grow. The gathering begins with police reporting any incidents or concerns from the past 24 hours. The idea is to intervene early and get mental health, early childhood, education, family support and other service providers involved straight away. The next day everyone reports back on their progress.

The initiative, known as justice reinvestment, allows the community to drive change and, while much of the approach seems like simple common sense, Bourke is the only town in Australia taking this approach. And there are clear signs it is working.



Maranguka Executive Director Alistair Ferguson, Sarah Hopkins, chair of Just Reinvest NSW, Senator Patrick Dodson and Ernest Moore, from the Regional Economic Development Institute at a Role of Men Working Group meeting in October in Bourke.

Last month, former Human Rights Commission's Aboriginal and Torres Strait Islander Social Justice Commissioner Mick Gooda presented Maranguka's first "report card" in a series of community meetings in the remote town 800 kilometres from Sydney. JANE SOUTHWARD reports from Bourke on some positive news out of a town scarred by once being labelled "the most dangerous place in NSW".

Kristy Kennedy
Backbone Coordinator,
Maranguka



At the age of 17, Kristy Kennedy witnessed an event that changed her life. The teen, who was born and raised in the town of 2,500 in western NSW and attended boarding school at St Scholastica's College in Glebe, was with her teenage brother, TJ, and cousin, Peter. They were bouncing a basketball down the main street when the boys had a run-in with police.

"The police swore at my brother and cousin, telling them to stop bouncing the

ball. My brother and cousin swore back at the police who arrested them for offensive language. I was disgusted by how the police treated the boys so harshly," Kennedy recalls of the 1999 incident.

"My brother didn't have a lot of positive interactions with police when he was growing up. He and Peter in particular because he had really dark skin were targeted by police. I grew up knowing that was completely unfair.

"When I went back to Sydney to finish school, I was distressed about the interaction with police and said to my teachers, 'I want to know what my legal rights are and I want to know what to say to police if this ever happens again. I know it's not okay.'"

Kennedy didn't realise it at the time, but the incident and her reaction to it would affect her hometown almost 20 years later. It led to her decision, urged by her teachers, to study law so she could fight for what she believed was right.

Kennedy, who worked with Supreme Court judge Michael Slattery and with

Legal Aid for a few years, is now the Backbone Coordinator at Maranguka, facilitating opportunities for service providers to work collaboratively to tackle issues in the town she loves. She is part of Just Reinvest NSW's first program that tries to solve the complex issues and redirect resources into disadvantaged communities so as to address underlying issues and prevent crime.

Bourke is 800km from Sydney, a pretty town on the banks of the Darling River that calls itself the gateway to the real outback. It earned the sobriquet of "most dangerous place in NSW" in 2013 as a result of persistently high crime rates.

But by challenging the entrenched methods and rethinking the approach to justice, the town is being reinvigorated. Much of that is due to the Maranguka initiative.

"There have been silos in the Bourke community around service delivery," Kennedy explains. "I help to bring all the stakeholders together and our team



does everything we can to reach out to local people so they can get help from the services available.

“Every morning we have a briefing with police about what has happened in the past 24 hours. Often there are things that can be done without police taking action or charging people. Police are able to identify people who need our services so we can provide support as soon as there is an issue.

“The aim is to reduce over-policing and the amount of time police are engaging with that young person. The police in Bourke are now committed to having more positive relationships with people in Bourke. It’s working. Youth crime has dropped in the past year. It has a lot to do with the current leadership in our police command.”

However, Kennedy acknowledges that Bourke still has problems.

“Bourke is not perfect, but we are committed to doing whatever we can to ensure there is positive change for young people and our community as a whole,” she says.

“For me, the way kids are living is important because they are our next generation of leaders, and we need to look after them.”

The Law Council called for more resources for justice reinvestment in response to the *Pathways to Justice* report from the Australian Law Reform Commission released in March. The report found 20 in every 1,000 Aboriginal and Torres Strait Islander people were jailed in 2016 and that Aboriginal people comprised 27 per cent of Australia’s adult prison population, despite being only 2 per cent of the nation’s total population.

Law Council President Morry Bailes described Indigenous incarceration as “a national crisis requiring immediate action” and, along with the Aboriginal Legal Service NSW/ACT, called for more resources for justice reinvestment.

In response to an interview request by *LSJ*, Attorney-General Mark Speakman said the rate of Aboriginal over-representation in NSW prisons was

unacceptable “particularly for young Indigenous people”.

He announced a grant of almost \$250,000 for Just Reinvest NSW Inc. to share the success of its Maranguka Project in Bourke with Indigenous communities “right across NSW”.

“Just Reinvest projects may provide an effective model to address criminality and reoffending among Aboriginal youth before they happen,” Speakman said.

Greg Moore District Area Commander, Bourke



District Area Commander Greg Moore is a long-term Bourke cop with a law degree and a 30-year police career. He moved to the town with his wife and baby twins in 2003 after years as a detective in Sydney. Moore was transferred for five years to Lismore but took a promotion to move back to the bush in 2013.

Moore leads a force of 45 police in Bourke, a number he acknowledges is large for such a small town. He explains that the team runs a 24/7 police station and looks after 220,000 square kilometres (about one-fifth of NSW’s land size) with some of the wildest country and poorest communities in Australia.

“Bourke has reached a bit of a turning point,” Moore, 52, says proudly from the station built in 1863.

“There have been some highly publicised per capita crime issues over the years but what I am seeing is that we have turned a corner. I am not saying that everything is rosy, but we are happy to report significant reductions across all major crime categories.

“People tell us that the feeling of the town when they walk around has changed. Not only is there less crime, but they feel a sense of pride and cohesion within the community. It’s positive to hear those comments reported back.”

Moore’s optimism couldn’t be more different from Bourke’s reputation as the crime capital of NSW. In 2013, it was reported that, based on figures compiled and ranked by the NSW Bureau of Crime Statistics and Research, Bourke had the highest crime rates in NSW per capita in assault, break-ins and car thefts. At the time, the bureau’s director, Don Weatherburn, described Bourke’s crime problem as “the forgotten law and order issue in the state”.

Moore is keen to point out that the latest crime statistics show some success. So far this year, just two cars have been stolen in Bourke, way down from the 30 cars stolen in 2015-16.

Domestic violence rates have almost halved, down from 128 reported incidents in 2013-14 to 71 reported incidents in 2016-17. Assaults have also decreased from 192 in 2014-15 to 132 in 2016-17.

Moore maintains that even one domestic violence case a year is one too many. He is unapologetic about what he calls Bourke police’s “highest legal action rate in NSW for domestic violence” in which 80 to 90 per cent of domestic violence incidents attended result in some form of legal action.

“We also have the highest rate of domestic violence compliance visits in the state,” Moore says.

“Police visit people who are at risk and perpetrators to talk about how to prevent crimes of domestic violence in the first place. They talk about addictions to drugs and alcohol and anger management.”

Moore, whose twin boys attend boarding school in Armidale to give them more sporting opportunities, believes there is “a definite correlation between idleness and poor outcomes”.

“I acknowledge concerns about local unemployment,” Moore says. “One thing I would like to see is more incentives for people to work.”

He and everyone else I interview in town say they are hopeful about a new \$60 million abattoir for goats due to open this year with 200 local jobs.

Another change Moore wants is more focus on children in early childhood when it comes to health and literacy and protection from harm.

The Bourke Liquor Accord, introduced in 2009, limits the sale and supply of alcohol. It was a community response to concerns about alarming levels of assaults, domestic violence and damage to property.

Under the restrictions, Bourke residents can’t buy alcohol before 2pm and there are limits on the size of fortified wine, beer and cask wine containers sold. Residents cannot walk the streets drinking and public areas in the town are alcohol-free zones.

Vivianne Prince Project Manager, Maranguka



As the vegetation thins on the four-hour drive west of Dubbo, it seems the social problems become more entangled. There’s a car graveyard of about 40 beaten up and dumped vehicles near Alice Edwards Village, previously known as “the mission” and now home to a handful of Indigenous families on the fringe of the Bourke town limits.

In Bourke’s main street, many

retailers have installed shutters they lock at dusk. At night, kids and teens play in the streets without supervision. Even so, the countryside around Bourke and the town itself have a beauty that inspires.

Vivianne Prince, who was born in Bourke and has two children under five, shares Commander Moore’s optimism.

“There are a lot of government agencies in town and a lot of money has come into Bourke over the years,” says Prince, 36.

“A lot of what they put in place over the years was just not working. It was time to give the community a voice and let us have a say and be part of the solution.”

Prince, who works as a project officer at Maranguka, is most pleased about the reduction in domestic violence in Bourke. She says more local jobs and more work to keep teens in school for longer would top her wish list.

“Police are doing things differently now,” Prince says. “That’s due to the

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good work of their leader, Greg Moore, and a lot of hard work by everyone working together under this collaborative process known as justice reinvestment.”

Songwriter Paul Kelly’s phrase “from little things big things grow” aptly describes some of the justice reinvestment initiatives in Bourke.

Young people were having trouble finding a family member to supervise them for the 120 hours of driving required to get a licence. So Maranguka and Birrang Enterprises bought a car and funded Zerelda O’Toole for three days a week to teach young people to drive in Bourke.

In 2017, 114 people obtained their licences in Bourke after getting help from Maranguka Hub and Birrang Enterprise.

Prince says the town needs more supervisors and eight police have put their hands up to do some hours.

“Police are giving up their time to build relationships with local kids in a really practical way,” she says.

The license program isn’t just about the need to get around legally in a town with few public transport options. According to Just Reinvest NSW, 40 per cent of Aboriginal defendants found guilty by NSW courts are charged with minor offences such as traffic offences and breaches of custodial or community-based orders. If you can keep illegal drivers out of the court system, their futures can be brighter, explains Prince.

Bourke High School has partnered with Maranguka to run an Our Place Program for children who find regular school difficult and demonstrate negative and violent behaviour to prove it. Attendance of those students has increased by 25 per cent and suspensions have decreased by 79 per cent in the past year, according to the Maranguka Community Report Card.

In school holidays, a program of free activities from 10am to 10pm is keeping kids out of trouble. According to the “Community Report Card”, children were more “school ready” after the summer holidays than in previous years.

**Jesse Sinclair
Solicitor, Bourke Aboriginal Legal Service**



In spite of the wins, everyone agrees that Bourke still has problems.

Jesse Sinclair, a solicitor at the Bourke Aboriginal Legal Service, sees the results of poverty and social disadvantage every day.

“When I first arrived in Bourke, it was a Sunday afternoon and it was cold and the shops were closed with the security shutters down,” recalls Sinclair, who grew up in Inverell, six hours’ drive east of Bourke.

“I wondered what I was getting myself into, but I have since learned it’s a lovely place with lovely people.”

While he is pleased that crime rates are decreasing, Sinclair says that as a solicitor “it doesn’t seem any less busy”.

“Domestic violence is a big issue and dishonesty offences, larcenies and fraud for tap-and-go to fund what is normally a drug habit are common,” Sinclair says.

“People are buying cigarettes or meat on a stolen tap-and-go card and using that to [trade for] an oxy pill, which is effectively heroin,” he says. Oxy, short for Oxycodone, is a prescription pain medication.

Sinclair, 28, says “geographic discrimination” makes things tougher for Bourke residents, referring to not only a lack of the services found in larger regional towns and cities, but limits to what the courts can do.

He says more drug and alcohol services, a court-imposed MERIT program (Magistrates Early Referral Into Treatment program that allows adult defendants with substance abuse

problems to work, on a voluntary basis towards rehabilitation as part of the bail process) and more Intensive Corrections Orders (ICO) instead of jail sentences are needed.

An ICO is an alternative to a full-time custodial sentence of up to two years and is served in the community with supervision and monitoring by community corrections. The problem is Bourke is so small it’s hard to find people and organisations that can supervise people on ICOs. (Bourke Magistrate Gary Wilson declined to be interviewed for this story.)

An October bulletin from the NSW Bureau of Crime Statistics and Research pointed to the value of ICOs. It found an 11 to 31 per cent reduction in the odds of reoffending for offenders who received an ICO compared with an offender who received a prison sentence of up to 24 months.

“The geography works against us in many ways,” Sinclair says.

“Another issue is that Bourke is at least four hours’ drive to Dubbo or Wellington prisons, so it’s so hard for family members to visit anyone who is in jail.”

**Sarah Hopkins
Chair, Just Reinvest NSW and
Managing Solicitor at the
Aboriginal Legal Service ACT/NSW**



Sarah Hopkins, a solicitor with 20 years’ experience, is optimistic about crime and justice in Bourke.

“We are starting to see changes in Bourke,” she says. “Family violence is down as well as youth offending. Problems happen when young people

have longer periods of free time. The school holiday program of free activities made a real difference.”

Hopkins says community decision-making is driving the initiatives.

“You need to resource that just as much as you need to resource the programs,” she explains. “If you don’t strengthen families, it’s just a band-aid.”

“Nothing will work – and I mean nothing – unless the Aboriginal community drives it themselves. That is a key part of justice reinvestment – it is about building the capacity of communities to drive their own solutions.”

Hopkins was working in the Children’s Court as a criminal solicitor for the Aboriginal Legal Service when she decided there had to be a better way.

“Literally, every day the magistrates and the lawyers would be calling out for options for these kids,” she said. “There was nothing. So I started talking with some other people about how we could think outside the square.”

“We came across the idea of justice reinvestment. It is a data-driven, place-based approach to reducing crime and shifting resources out of the prison system and into communities. By shifting the way things are normally done, you can create real outcomes.”

Hopkins studied law at Sydney University and worked in commercial litigation which she decided “was just not for me”. She joined the Aboriginal Legal Service and says the “energy and commitment of the people there was amazing and I knew this is what being a lawyer is all about”.

In Bourke, she says outstanding warrants issued by the Local Court were a problem. The town had the highest breach of bail rate in NSW.

“The community was saying they were worried that people were going underground, disengaging with services, not connecting with family, not going to school,” she says. “So we started negotiating with the chief magistrate and the Local Court magistrate to establish a system to connect people with a local support team to deal with their warrants.”

Hopkins said that over the past couple of years the practice had been for the local court not to issue as many warrants.

“The Local Area commander told me early this year there wasn’t a single warrant out in Bourke and there were 60 in Walgett,” she says.

“When we first started talking to the Bourke community in 2013, they told us they wanted to create better lives for children and young people. Part and parcel of that was they wanted a safer community for everybody.”

“Reducing crime is a win for the whole community, black and white, and what you see happening in Bourke is the service system starting to work in a different way – services for health, education and mental health as well as police collaborating in a way the town hasn’t seen before.”

Aboriginal community members are having real buy-in and that’s something Bourke should be really proud of.” **LSJ**



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