

# SAFER COMMUNITIES

## A HOLISTIC APPROACH TO SUPPORT PEOPLE TO MAKE SAFER CHOICES

The Greens want to reduce crime and ensure everyone can live safely in our community. We also want to ensure everyone has equal opportunities in life, no matter your background, ability, gender, sexuality, income or postcode.

But our system is flawed. People who engage in harmful behaviours, such as crime, typically only get support once they're in the justice system. It is a response to the outcome of the harmful behaviour rather than the underlying causes.

It makes our community less safe - people continue to cycle in and out of the justice system, crime continues and the whole community is disadvantaged.

The Greens support a "smart on crime" approach - one that will break the cycles of crime and reoffending, for the benefit of the whole community. It is important to respond to crimes as they occur, through police, courts, victim support, and - where necessary - incarceration, but we need to go further and faster to transform the justice system.

We will invest in people to address the social determinants that lead to harmful behaviours, provide support sooner, and ultimately support our whole community.

### THE ACT GREENS WILL:

- ▲ Establish a Breaking the Cycle Fund to reduce recidivism through bail support, Throughcare and employment programs; expand the Justice Housing Program; support Aboriginal Community Controlled Organisations; and better resource Prisoners Aid and SHINE for Kids
- ▲ Reduce over representation of First Nations people by implementing the Jumbunna Institute's recommendations and explore a cross-border justice scheme with NSW
- ▲ Expand the Drug and Alcohol Court
- ▲ Expand the Restorative Justice Scheme
- ▲ Deliver therapeutic support and divert young people away from the justice system by raising the age of criminal responsibility to 14 by 1 July 2025
- ▲ Legislate to prohibit the use of spit hoods in the ACT
- ▲ Provide long term funding certainty to community legal services
- ▲ Provide free legal assistance to more Canberrans
- ▲ Provide more funding for victim support as part of the Electronic Monitoring rollout
- ▲ Provide funding certainty for the Law Reform and Sentencing Advisory Council
- ▲ Embed driving programs in schools and develop more early intervention programs
- ▲ Decriminalise and deregulate sex work
- ▲ Support remedies for people when their human rights have been breached

## BREAKING THE CYCLE FUND

The ACT Greens will address the systemic issues that entrench people in the justice system and support them earlier to engage in safer behaviours - making the community safer for everyone.

We need more rehabilitative programs and options for people so they make safer choices when they are in the community.

The ACT Greens 'Breaking the Cycle Fund' will better support the needs of individuals coming into contact with the criminal justice system - to address the underlying social determinants that often lead to harmful behaviours and crime so we can reduce the number of people in our criminal justice system, and recidivism rates.

This fund will support community-based programs and services that provide people with the right help, earlier and in the community.

This is a more cost-effective approach that produces better outcomes for communities through prevention and reduction of crime and diverting offenders and people at risk of becoming offenders from cycling in and out of the criminal justice system.

### **BAIL SUPPORT PROGRAM**

We will create a new bail support program. Similar programs in other jurisdictions reduce reoffending by 33%, increase compliance with bail conditions by 95%, improve social and health wellbeing outcomes for the individual

and community, and achieve cost savings compared to an absence of bail support.

The program will strengthen bail support so anyone who enters a bail order can have their needs assessed - like accommodation, mental and physical health and housing - as well as their criminogenic needs.

Once assessed, they can be referred to appropriate support in the community and a dedicated bail support officer.

Often people breach their bail conditions because they do not have this support and miss appointments - not because they have engaged in further harmful behaviours.

This new support program will be made available at the time of a person's first court appearance so that people can have their needs immediately assessed and be referred to services at that point - there will be no waiting for sentences, hearings or trials.

We will also continue our existing programs to support people on bail including the Ngurrambai Bail Support Program, Front Up and Justice Housing Program.

### **EXPANDING THE JUSTICE HOUSING PROGRAM (JHP)**

The JHP provides accommodation for people in the justice system and plays a critical role to keep people on a positive rehabilitative pathway - reducing recidivism and improving the wellbeing of the individual and their families.

It ensures people are not released into homelessness or unnecessarily held in detention because they don't have a

place to go. Stable housing is a key consideration in decisions related to bail, community-based sentencing and parole.

Currently the JHP is only available to those who require a single occupancy dwelling. For many women, this means they are unable to reconnect with their children which is an important part of rehabilitation and often a protective factor for the children themselves to be with a parent they love and care about. We will increase funding for the JHP to provide properties with more than one bedroom to better suit the range of clients who need housing to meet their needs.

We will also expand the JHP to provide additional beds for people on bail for domestic and family violence offences so they can, if assessed as appropriate, be accommodated away from the family home to minimise disruption to the rest of the family and to protect victims.

Often when male perpetrators of domestic violence have nowhere else to go, they are more likely to attempt to return to the family home, which may compromise the safety and security of women and children.

This expansion helps protect victims of domestic and family violence, allowing those accused to de-escalate and genuinely engage with rehabilitative programs without the stress of not having somewhere to live.

## **SUPPORT DURING AND BEYOND CUSTODY**

The right support for people involved in the justice system and their families can mean the difference between

intergenerational cycles of imprisonment and breaking the pattern of recidivism.

That's why the ACT Greens will increase funding for support services for people in prison or leaving prison, and their families. Connection to services such as housing, healthcare and employment support provides a positive transition and sets people up for successful reintegration back into the community.

We will make Throughcare services for young people leaving Bimberi permanent, to ensure they remain well connected to support and services and reduce the risk of returning to detention. We will expand the availability of Throughcare services to ensure everyone leaving the Alexander Maconochie Centre (AMC) can access these supports.

We will also provide additional funding for both Prisoners Aid and Shine for Kids who keep people in AMC connected with their families. These organisations strengthen relationships and set people up for a positive return to the community to make safer decisions for themselves and their families.

## **POST-PRISON EMPLOYMENT**

The ACT Greens want everyone to have equal opportunities for meaningful employment. However people leaving the AMC often face barriers to employment and therefore successful reintegration to the community.

We will ensure people leaving the AMC have pathways into meaningful employment to develop positive and safe relationships across the whole community.

The ACT Greens will create up to 100 ACT Government roles in areas like ACT Parks, City Services and in construction, including building public housing, that will be filled by people exiting custody. This will create meaningful opportunities for people leaving AMC to deliver positive outcomes and spaces for the whole community.

The ACT Greens will also provide opportunities to detainees while in custody for education, training, and skills development to ensure they are job-ready when returning to the community. We will make these work readiness programs available to all detainees - on remand or sentenced. The ACT Greens will also provide post-release support to help people gain and maintain employment.

We will respect the unique contribution that First Nations people provide to better care for country and their knowledge of the region. For employment opportunities, we will work with agencies, First Nations communities and stakeholders to ensure people are placed and supported in suitable roles.

The ACT Greens recognise there are people in Canberra who have expertise through lived experience and valuable insights on how we can reduce recidivism and create safer, happier and better connected communities. We will establish a lived experience program to support people who have spent time in the AMC to share their stories and advise the ACT Government on policy matters to reduce recidivism. From the Breaking the Cycle Fund, \$250,000 will be allocated to the standing up of a lived experience group and for its operating costs over the term.

The ACT Greens will also explore ways to incentivise businesses to employ people leaving custody. We will also consider legislative amendments, including to Spent Convictions legislation, so people who are willing and able to work are permitted to in appropriate roles.

## INVESTMENT IN THE \$55M BREAKING THE CYCLE FUND

- A total of \$10m for the first year
- A total of \$15m per year over the rest of the term
- Of the total amount, \$300,000 will be allocated per annum between Prisoners Aid and Shine for Kids in addition to their existing funding.

## FIRST NATIONS JUSTICE

It is not acceptable that First Nations people are over represented in the ACT justice system. The ACT Greens want to reduce the over-representation of First Nations men and women so that incarceration rates match non-indigenous rates by 2031. The path forward is to deeply listen to and follow the expertise, wisdom and experience of First Nations people in Canberra to change the systemic structures that result in over representation.

## SUPPORT ABORIGINAL CONTROLLED COMMUNITY ORGANISATIONS

We will support First Nations communities to build capacity within emerging Aboriginal Controlled Community Organisations (ACCOs) in the justice sector as they participate in

commissioning processes and to ensure they are set up for success.

## **IMPLEMENT RECOMMENDATIONS FROM THE JUMBUNNA REPORT**

We will implement the findings of the final report being conducted by the Jumbunna Institute for Indigenous Education and Research into the over-representation of First Nations people in the ACT criminal justice system.

The first report identified the need to properly fund Aboriginal organisations that are working to reduce First Nations contact with the criminal justice system in areas such as bail and post-release support. These programs can reduce the remand population, assist in people complying with bail conditions, and help people not return to prison after release.

The second report will include recommendations on how to implement the findings, and we commit to enacting them.

## **A CROSS-BORDER JUSTICE SCHEME**

The ACT Greens will answer calls from the First Nations communities in the ACT to explore a cross-border justice scheme with the NSW Government. At the moment, people can be serving a sentence in a prison in one jurisdiction with the knowledge they have another sentence to face in another jurisdiction, which impacts on their capacity to engage in rehabilitation. We will push for an agreement or regime to address the response and process of those who are arrested and imprisoned in the ACT, but have an outstanding warrant or charge in NSW - and vice versa - so that people can have certainty with their sentences.

# **MORE ACCESS TO JUSTICE**

## **EXPANDING THE ACT RESTORATIVE JUSTICE SCHEME**

The ACT's restorative justice scheme empowers victims' voices and rights, promotes offender accountability, and reduces recidivism by allowing victims of crime to meet with offenders and discuss how an offence has affected them. The most recent independent evaluation found this has particularly reduced recidivism in relation to domestic and family violence offences.

The ACT Greens will increase funding to the scheme to employ ten additional staff to reduce the waiting list and allow more people to access the benefits of restorative justice.

## **EXPAND THE DRUG AND ALCOHOL COURT FROM THE SUPREME COURT TO THE MAGISTRATES COURT**

Treating addiction as a health issue is an effective way to break the cycle of harmful behaviours that lead to engaging with the criminal justice system.

In the 9th Assembly, the Greens established the ACT's Drug and Alcohol Court and associated support programs to do just this. The Court has been operating in the ACT Supreme Court successfully since December 2019 and has seen better health outcomes for people, reduced reoffending, reduced incarceration rates and improved community safety.

The ACT Greens will go further. We will provide more funding to a range of community services including health,

housing, treatment and counselling programs that complement the Drug and Alcohol Court, as well as expand the Court from the ACT Supreme Court to the ACT Magistrates Court so that people who commit less serious offences can benefit from the support offered by this Court.

### **MORE FREE LEGAL ASSISTANCE**

The ACT Greens will provide free legal assistance to more Canberrans by raising the income threshold for eligibility for Legal Aid ACT grants to reflect income growth over recent years.

Our plan will raise the income threshold to \$498 per week, which is 120% of the June 2022 quarter Henderson poverty line.

This addresses the current gap in access to legal services for around 120 low-income members of the ACT community per year who do not qualify for legal aid, but cannot afford private legal representation.

This measure will be in place for four years to help increase access to justice for those who would otherwise be locked out of legal support.

The ACT Greens will also provide funding certainty for Aboriginal Legal Service NSW/ACT, Canberra Community Law, Care Financial, Women's Legal Centre, Environmental Defenders Office and Legal Aid ACT by ensuring they receive continued base funding for 4 years.

We will ensure these agencies have genuine government backing through increased resourcing to provide additional legal services to those most in need and are adequately resourced to

respond to the increasing demand on their services.

### **SUPPORT FOR AT-RISK YOUNG PEOPLE**

The ACT Greens want all young people to be healthy and safe while they grow, learn and play. But there are many young people who engage in harmful behaviours, which bring them into contact with the police, because they have unmet needs for their mental health, disability, homelessness, family violence or drug and alcohol issues.

Incarcerating young people is counter productive to rehabilitation and community safety. We can give them better life trajectories by instead providing early intervention and diverting young people onto healthier pathways.

We can both support the wellbeing of at-risk young people and enhance community safety.

To do this, we will embed in ACT Policing practices and approaches to young people that prioritise diversionary responses. This will focus on their unmet needs to keep young people from being arrested, charged, detained or appearing before the ACT Childrens Court.

We will also continue to provide appropriate therapeutic services and alternative pathways to the criminal justice system for at-risk young people by ensuring the age of criminal responsibility is raised to 14 by 1 July 2025.

### **PROHIBIT SPIT HOODS**

Our justice system works better when it treats people with dignity, safety and fairness.

Spit hoods are dangerous, degrading devices that restrict breathing.

ACT Policing has acknowledged that spit hoods are ineffective in protecting against transmissible diseases and have ceased using them in the ACT.

The ACT Greens will legislate to prohibit the use of spit hoods in all ACT settings, responding to long-standing calls from non-government organisations who are concerned about the efficacy of spit hoods as protection and the risks to safety they pose for the person who is hooded.

## **STRONGER PROTECTIONS FOR HUMAN RIGHTS**

We will fully implement the 'no rights without remedy' campaign, to ensure anyone who believes their human rights have been breached by a public authority can seek remedies through the ACT Civil and Administrative Tribunal.

## **INVESTMENT FOR MORE ACCESS TO JUSTICE:**

- \$4.5m per year for the Drug and Alcohol Court expansion
- \$7.5m over four years for restorative justice expansion
- \$10m additional funds over four years shared between Community Legal Centres
  - Of this, \$2.4m over four years will be allocated to Legal Aid ACT for the increased legal aid threshold.

## **STRENGTHEN ELECTRONIC MONITORING**

The ACT Greens commit to implementing electronic monitoring in the ACT. We will ensure additional funding is provided to victim support agencies, so that the system operates to support victim safety.

We will ensure the government provides or funds external wrap around support so the person being monitored can be supported to change their behaviours.

## **LAW REFORM AND SENTENCING ADVISORY COUNCIL**

We will provide funding certainty until the end of the Parliamentary term for the Law Reform and Sentencing Advisory Council (LRSAC) to continue to inform the Government about areas of potential law reform and provide expert advice on sentencing.

### **INVESTMENT FOR THE LRSAC:**

- \$600,000 per year.

## **ROAD SAFETY**

The ACT Greens are committed to improving driver behaviour to keep our roads safer and help reduce crashes, trauma, and deaths.

We will implement the recommendations of the Law Reform and Sentencing

Advisory Council 2024 report *Dangerous Driving: Sentencing and Recidivism*.

Our focus will be on developing early intervention programs to reinforce safe driving behaviours. We will work with road safety experts to deliver this. As part of this we will embed driving programs in schools, including those that focus on the impacts of dangerous driving, as noted above.

## SEX WORK IS REAL WORK

Everyone should feel safe and supported in their workplace. But our sex work industry is treated differently to every other business when it comes to health, work, safety and planning laws.

The rights of sex workers should be protected by workplace health and safety standards.

That's why the ACT Greens will reform laws regulating the sex work industry to ensure it is risk based, with a focus on harm-minimisation and human rights at work, while relying on the legal controls that apply to other businesses to manage the impact of the industry on other members of the community.

By repealing the *Sex Work Act 1992 (ACT)*, sex work businesses will be regulated in the same manner as any other business.

These reforms have been strongly advocated for by sex workers and related organisations including Meridian and will bring the ACT into line with law reform in other jurisdictions.

These businesses will be governed by planning laws just as other businesses are, including to ensure impacts on neighbouring properties are appropriately managed.