

# COMMUNITY JUSTICE GROUP PROGRAM GUIDELINES 2011-12

## 1. WHAT IS THE COMMUNITY JUSTICE GROUP PROGRAM?

- 1.1 *Introductions*
- 1.2 *Program Goal*
- 1.3 *Program Objectives*

## 2 RESPONSIBILITIES UNDER THE PROGRAM

- 2.1 *Departmental Responsibilities*
- 2.2 *Responsibilities of Funding Recipients*
- 2.3 *Information Privacy*

## 3. ELIGIBILITY CRITERIA FOR COMMUNITY JUSTICE GROUP PROGRAM

- 3.1 *Applicant's legal status*
- 3.2 *Eligible Initiatives*
- 3.3 *Eligible Activities – Core and Optional Activities*
- 3.4 *Assessment of Applicants*

## 4. CONDITIONS OF FUNDING

## 5. ACCOUNTABILITY

- 5.1 *General Accountability*
- 5.2 *Financial Accountability*
- 5.3 *Initiative Accountability*
- 5.4 *Cessation of Funding*

## 6. OPERATIONS

- 6.1 *Method of Funding*
- 6.2 *Processes for Application and Approvals*
- 6.3 *Monitoring and Evaluation*
- 6.4 *Further Information*

## **1. WHAT IS THE COMMUNITY JUSTICE GROUP PROGRAM?**

### **1.1 Introductions**

The Community Justice Group Program forms an important part of the Queensland Government's response to the recommendations of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC). The Program recognises that historical and contemporary factors, including social and economic factors, contribute to the gross over-representation of Aboriginal and Torres Strait Islander Queenslanders in the State criminal justice system.

The Program provides funds to Aboriginal and Torres Strait Islander communities and organisations to develop strategies within their communities for dealing with justice issues and to decrease Aboriginal and Torres Strait Islander peoples' contact with the criminal justice system.

### **1.2 Program Goal**

The goal of the Program is to reduce Aboriginal and Torres Strait Islander over-representation in the criminal justice system.

### **1.3 Program Objectives**

- (a) increase Aboriginal and Torres Strait Islander communities' knowledge and skills in relation to the criminal justice system;
- (b) assist local courts when dealing with Aboriginal and Torres Strait Islander people;
- (c) facilitate improved links between Aboriginal and Torres Strait Islander communities and statutory workers, police, courts and other parts of the justice system including juvenile justice;
- (d) establish partnerships with both community organisations and responsible State agencies leading the development of community-based diversionary and interventionist strategies aiming to prevent and/or provide alternatives to arrest and custody;
- (e) provide opportunities for community input and participation in the rehabilitation of offenders;
- (f) sensitise the justice system to the needs and cultural values of Aboriginal and Torres Strait Islander peoples;
- (g) monitoring of and coordination with, local community legal organisations assisting Indigenous offenders;
- (h) advocate for appropriate changes to the criminal justice system through court based initiatives;
- (i) develop skills and competencies in relation to court operations;
- (j) establish good working relationships with magistrates and court staff;
- (k) the provision of administrative support structures for statutory Community Justice Groups to fulfil their statutory responsibilities under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* and the *Aboriginal Communities (Justice, Land and Other Matters) Regulation 2008*.

The Community Justice Group Program requires a joint effort between Aboriginal and Torres Strait Islander communities and Government agencies (especially key justice related agencies) in Queensland to reach its objectives. This Program is administered by the Department of Justice and Attorney-General (DJAG) within the Queensland Government.

DJAG Regional Advisors will assist Aboriginal and Torres Strait Islander organisations and communities to develop proposals under the Program and will facilitate and coordinate the active involvement of other agencies.

The Community Justice Group Program provides an opportunity for members of Aboriginal and Torres Strait Islander communities throughout Queensland to work cooperatively with statutory workers; Magistrates, Corrective Services, Police, Aboriginal and Torres Strait Islander Legal Service (ATSILS) and Legal Aid Queensland. The Program will also complement other Aboriginal and Torres Strait Islander justice initiatives such as Justices of the Peace (Magistrates Court) program, Murri Courts and the Queensland Indigenous Alcohol Diversion Program (QIADP).

## **2 RESPONSIBILITIES UNDER THE PROGRAM**

### **2.1 Departmental Responsibilities**

DJAG has responsibility for the administration of the Community Justice Group Program and facilitating the active involvement of key government agencies within Regions. The day to day administration, evaluation and review of the Program will rest with DJAG within the Queensland Government.

DJAG is responsible for the following:

- efficient administration of the Program;
- planning, monitoring and evaluation of the Program on a regular basis;
- ensuring financial and project accountability of funding recipients in accordance with the Service Agreement;
- financial assistance for the development and/or maintenance of community justice groups (subject to Program Guidelines and Service Agreements);
- facilitating community involvement and endorsement of Community Justice Groups; and
- participating in, and resourcing, the identification and assessment of needs and providing developmental support and assistance to funding recipients.

### **2.2 Responsibilities of Funding Recipients**

Funding recipients under the Community Justice Group Program are responsible for the following:

- performance of the approved project in a manner which satisfies the terms and conditions of these Guidelines and the Service Agreement;

- provision of quarterly performance report on the activities of the Community Justice Group, a financial reconciliation report and any other documentation required by the Service Agreement;
- maintenance of accountability processes as required by these Guidelines and the Service Agreement;
- cooperation with the DJAG in the monitoring and evaluation of the Program; and
- complying with its constituting legislation (if any) and with all applicable Commonwealth, State and Local laws, including laws relating to Privacy and disclosure of personal information.

### **2.3 Information Privacy**

Documents held by the Queensland Government are subject to the *Information Privacy Act 2009* and the *Right to Information Act 2009*. DJAG's privacy policy is available on the DJAG website at <http://www.justice.qld.gov.au/global/privacy>.

In accordance with the consultation provisions contained in the *Right to Information Act 2009*, the views of funded organisations in relation to the disclosure of documents held by the Department will be sought where:

- disclosure of information/documentation is being contemplated; and
- disclosure of the information/documentation may reasonably be expected to be of concern to a funded organisation.

If a decision contrary to the views of a consulted funded organisation is made, the funded organisation may seek internal review of this decision. Applications for internal review must be made in writing, state an address to which notices may be sent; be made within 20 days of the date of receipt of the written notification of the decision; and be lodged at an office of the agency or Minister.

A funded organisation may also seek internal review of a decision where the Department should have, but has not, obtained the views of the organisation.

If the funded organisation is aggrieved by the internal review decision, it may seek external review of that decision by the Information Commissioner. Applications for external review must be made in writing; specify an address to which notices may be sent; give details of the decision for review; be made within 20 days of the date of receipt of the notification of the internal review decision and be lodged at an office of the Office of the Information Commissioner.

The effect of a funded organisation seeking an internal review is to defer access to the documents in question until such time as the review process is finalised.

## **3. ELIGIBILITY CRITERIA FOR COMMUNITY JUSTICE GROUP PROGRAM**

### **3.1 Applicant's legal status**

Applicants must be:

1. a not-for-profit community organisation, or an Aboriginal or Torres Strait Islander organisation, incorporated pursuant to one of the following Acts:

- Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Commonwealth);
- *Associations Incorporation Act 1981(QLD)*;
- Corporations (Queensland) Act 1990

**OR**

2. a not-for-profit organisation sponsored by a legally incorporated entity or a Local Government Authority.

Organisations or sponsoring bodies that have not satisfactorily acquitted grant funding previously by the Department of Justice and Attorney-General may **NOT** be eligible to receive further funding for a period of up to two years or as otherwise determined.

### **3.2 Eligible Initiatives**

Under the Program, the Department will support community justice groups, established through broad community consultation and with community support for addressing criminal justice issues, and which meet the Program objectives.

### **3.3 Eligible Activities – Core and Optional Activities**

Activities may include:

- part or full-time administration/coordination for community justice groups;
- relevant training not available under general community programs or other specific programs;
- networking activities related to establishing and maintaining information sharing, re: dispensing justice and support to other community justice groups in other geographic locations;
- community education activities regarding court processes;
- networking activities related to increasing collaboration with relevant government agencies; and
- limited financial support to establish and maintain an office for a community justice group.

Under the Service Agreement, Community Justice Groups will be required to deliver core activities and may elect to deliver other optional services. The core activities are as follows:

#### **Core Activities**

- Prepare and present written bail and sentencing submissions to the courts
- Prepare and present oral bail and sentencing submissions to the courts
- Attend court sittings to provide assistance to victims and offenders.
- Link victims with support and legal services
- Assist victims prepare Victim Impact Statements
- Link offenders with support and legal services
- Support offenders to comply with conditions of non-custodial court orders
- Assist debtors to liaise with SPER regarding outstanding fines
- Attend stakeholder meetings with other agencies including Queensland Police Service, Department of Communities, Department of Corrective Services, the Judiciary and Magistracy, Local Council, Aboriginal and Torres Strait Legal Service, Legal Aid and NGOs
- Partnership with stakeholders to identify, establish and support prevention programs
- Attend community consultations regarding issues relevant to criminal justice issues
- Provide advice regarding alcohol management including participation in consultation processes and the provision of written submissions as required. (statutory CJGs only)
- Assist applicants with dry place declaration applications (statutory CJGs only)

#### **Optional Activities**

Option activities will vary from group to group however they must activities that deliver outcomes aligned with the program objectives. Examples of optional activities include:

- Facilitate programs for victims and offenders
- Supervise Community Service Orders
- Visit prisons and detention centres
- Assist with various applications including Birth Deaths and Marriages, Queensland Housing, Public Trust Wills
- Support and attendance at Police interviews

### **3.4 Assessment of Applicants**

In making recommendations to the Director-General for DJAG, the following criteria will be assessed:

- (a) Do the aims of the community justice group address the principal objectives of the Indigenous Justice Program?
- (b) Is the initiative mainly focussed on supporting offenders before the court?
- (c) Will the initiative be locally managed and sensitive to the community in which it is located?
- (d) Will the initiative extend knowledge and create a wider understanding of criminal justice issues?
- (e) Is there evidence of community interest and local support for the initiative?
- (f) The applicant shows broad, solid and stable membership?
- (g) Has the applicant, where applicable, satisfactorily acquitted previous DJAG funding?
- (h) Does the applicant have the necessary financial skills to properly administer the funding?
- (i) Are community resources (e.g. meeting room, office space and equipment, motor vehicle) available for use by the community justice group?

## **4. CONDITIONS OF FUNDING**

The provision of funds is conditional upon a funding recipient complying with the following requirements:

- (a) that the aims of the initiative to which funding is provided are consistent with the aims and objectives of the Community Justice Group Program;
- (b) that community justice groups co-operate with and involve local Aboriginal and Torres Strait Islander individuals, community organisations, and relevant Government agencies, in order that available resources may best be used;
- (c) that the funding recipient fulfils the financial and program accountability requirements as listed in these guidelines; and
- (d) that the funding recipient shall notify the Manager, Indigenous Justice Programs, DJAG in writing of any assistance that is approved at any time by the Commonwealth Government, or any other State Department or authority towards any costs associated with the Community Justice Group Program for which funding has been made.

## **5. ACCOUNTABILITY**

### **5.1 General Accountability**

The provision of funds is conditional upon the Service Provider organisation meeting the following requirements:

- (a) that the Service Provider enters into and conforms with a signed Service Agreement, accepting the funding in accordance with the specified target groups, program objectives and eligible activities as set out in the Community Justice Group Program, Funding Guidelines;
- (b) that all changes to the Service Agreement, including changes to the program's goals and objectives, must be approved in writing by the Department;
- (c) that any proposed transfer of funding from the Service Provider organisation to another organisation requires the prior approval of the Director-General for Justice and Attorney-General;
- (d) that nominated departmental officers are able to visit, monitor and review any community justice groups, funded under the Community Justice Group Program;
- (e) that the initiative for which funding has been provided commence as soon as possible and no later than four (4) months after the receipt of funding; and
- (f) that, within three (3) months of the completion of the project, the funding recipient provide a detailed report relating their performance against the goals and objectives set out in the Service Agreement.

### **5.2 Financial Accountability**

The provision of funds is conditional on the Service Provider organisation meeting the following requirements:

- (a) funds provided in categories as specified in the Service Agreement must be used for the purposes for which they were approved, and may not be transferred between categories

without the written approval of the Manager, Indigenous Justice Programs, Department of Justice and Attorney-General;

- (b) Service Provider organisations must maintain separate identifiable accounts to record receipts and payments for funding provided under the Community Justice Group Program or other sources within their accounting system and ensure that bank reconciliations are regularly performed and provided to the Department;
- (b) Service Provider organisations must provide to the Manager, Indigenous Justice Program, within three months after the end of the relevant funding period, an audited statement detailing all payments received from Government sources in respect of the approved initiative and items of expenditure certified by a qualified accountant who is **NOT** an officer, employee or member of the funded organisation and who is:
  - (i) registered as a company auditor or a public accountant under law in force in Queensland; or
  - (ii) a member of the Institute of Chartered Accountants in Australia or the Australian Society of Certified Practising Accountants.
- (d) annual Audited Statements must be prepared according to these Guidelines and be accompanied by the appropriate certification statement.

### **5.3 Initiative Accountability**

The provision of funds is conditional upon the Service Provider organisation meeting the following requirements:

- (a) participating in the monitoring and evaluation of the Community Justice Group. The organisation will be consulted by DJAG before any review that requires its participation;
- (b) subject to section 5.1 of these Guidelines, the organisation must provide the Manager, Indigenous Justice Programs, DJAG with written information regarding the following:
  - (i) proposals to change the type or scope of the justice initiative from that for which funding was provided, prior to making changes;
  - (ii) proposals to temporarily or permanently cease a justice initiative prior to the end of the period specified in the Service Agreement;
  - (iii) any significant changes in the community justice group, such as principal office bearers, contact persons, change of address; and
  - (iv) other information as requested.
- (d) that where required, all normal and appropriate insurances for the community justice group be taken out and maintained, including public liability insurance; and
- (c) that all personnel (paid/unpaid) employed by the community justice group, or sponsoring body in whatever capacity be the sole responsibility of that employer.

### **5.4 Cessation of Funding**

If a funding recipient fails to perform or observe any of the terms and conditions of the Service Agreement and the Funding Guidelines, the Manager, Indigenous Justice Programs, Department of Justice and Attorney-General may restrict payments of the funding and/or recover monies paid as a debt due and owing to the Crown.

## **6. OPERATIONS**

### **6.1 Method of Funding**

Program funds are normally allocated as annual funding, but the Service Agreement may specify an alternative method of funding. Funding may be paid by quarterly or half yearly advances and payment will be linked to the achievement of specific objectives. The method for payment of funding is set out in the Service Agreement.

### **6.2 Processes for Application and Approvals**

Applications for funding under the Community Justice Group Program should be made to the Manager, Indigenous Justice Programs, Department of Justice and Attorney-General. Contact details are provided in Section 6.4.

Applications must contain a detailed description of the proposed community justice group, as well as a complete budget showing support from other sources, including any contribution by the organisation and details of all personnel involved. If the space provided on the form is insufficient, additional pages may be attached.

Applicants should retain a copy of the application and a record of all material sent which supports the submission and demonstrates its value.

Applications for funding will be assessed by the Manager, Indigenous Justice Programs, according to the stated criteria and with regard to other applications received for Community Justice Group funding for the same period.

Approvals for funding of Community Justice Groups will be made by the Director-General on the basis of recommendations by the Manager, Indigenous Justice Programs.

### **6.3 Monitoring and Evaluation**

#### **Monitoring**

Monitoring will occur through the regular collections of data and information from funded projects in relation to performance against the Program and project objectives.

#### **Evaluation**

The Department will conduct regular evaluations of the Program, which may include formal evaluations by an external consultant.

Performance indicators would include the following:

- (a) number of referrals from the magistrate and submissions presented to the court;
- (b) number of communities or initiatives directly benefiting from the program including the identification of statistics illustrating the reduction in arrests and court appearances;

- (c) reported community response to the performance of the justice group assisting offenders before the court;
- (d) reports on the Program from other Departments and community organisations;
- (e) number of community orders, mediations and other orders from the court undertaken by the community justice group; and

## 6.4 Further Information

Further information may be obtained from the Regional Advisor, Department of Justice and Attorney-General in your area during business hours located at:

### **Brisbane**

Brisbane Magistrates Court  
363 George Street  
Brisbane QLD 4000

GPO Box 1649  
BRISBANE QLD 4001

Telephone: (07) 3109 9185 or 3109 9187  
Facsimile: (07) 3109 9560

### **West Queensland**

Mount Isa Magistrates Courts  
Isa Street  
Mount Isa QLD 4825

PO Box 1660  
MOUNT ISA QLD 4825

Telephone: (07) 4747 2379  
Facsimile: (07) 4747 2378

### **Central Queensland**

Rockhampton Magistrates Courts  
Cnr East & Fitzroy Street  
Rockhampton QLD 4700

PO Box 830  
ROCKHAMPTON QLD 4700

Telephone: (07) 4938 4036  
Facsimile: (07) 4938 4037

### **North Queensland**

Townsville Magistrates Courts  
31 Walker St  
Townsville QLD 4810

PO Box 985  
TOWNSVILLE QLD 4810

Telephone: (07) 4799 7095  
Facsimile: (07) 4799 7092

### **Far North Queensland**

Cairns Magistrates Courts  
5D Sheridan Street  
Cairns QLD 4870

GPO Box 1110  
CAIRNS QLD 4870

Telephone: (07) 4048 1416 or 4048 1417  
Facsimile: (07) 4039 8948

### **Thursday Island**

Thursday Island Magistrates Court  
Victoria Parade  
Thursday Island Qld 4875

PO Box 5  
THURSDAY ISLAND QLD 4875

Telephone: 07 4069 2893  
Facsimile: 07 4069 1438