

INYAART! BINKA!

A **position paper** on effective diversion and prevention approaches - protecting Aboriginal young people from Australia's youth justice system.

RELEASED ON THE 40TH ANNIVERSARY OF THE PASSING OF JOHN PAT.

'Inyaart' and 'Binka' mean gift, trade or exchange. Inyaart is Yindjirbandi and Binka is Ngarluma.

A COLLABORATION BETWEEN

BIG h ART

AND IREMUGADU/ROEBOURNE



ACKNOWLEDGEMENTS

We acknowledge Ngarluma and Yindjibarndi Elders, past, present and emerging, and thank them for their support, guidance and trust.

We acknowledge the participants of Songs for Freedom, Songs for Peace, and all the Yijala Yala and New Roebourne projects. We acknowledge and thank the people of the community of Ieramagadu (Roebourne) for their leadership on this issue.

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EXECUTIVE SUMMARY

In September 2023, a delegation of First Nations artists and musicians from the remote Western Australian town of Ieramagadu (Roebourne) performed in the Parliament House courtyard in Canberra to an audience of MPs, Senators and staffers from across the political spectrum. They sang songs written in their community about peace, justice and freedom.

Their message was clear: locking up children is not working.

In the Pilbara region of Western Australia, this narrative is being re-written. In Roebourne, the community is demonstrating the vital role that art, music and cultural practice play in reducing involvement with the justice system for Indigenous young people.

This paper summarises the thought leadership emerging in Roebourne, links it with the growing body of evidence on the role of art and music in primary prevention and diversion, and outlines the potential cost savings of investing in similar programs.

WHAT THE DATA TELLS US

4,350 young people aged 10-17 were incarcerated in 2021-22.¹

The data shows that:

- **Indigenous young people are incarcerated at very high rates**
Indigenous children aged 10-17 are 24 times more likely to be incarcerated than their non-Indigenous peers. Despite making up around 6% of the population, Indigenous children make up 55% of young people in detention.²
- **Offending is often driven by social disadvantage**
Children in detention are 26 times more likely to have been in out-of-home care than other children their age.³ Young people from the lowest socioeconomic areas are 5 times more likely to be in detention.⁴ Almost 7 in 10 detainees (68%) have experienced childhood abuse or neglect.⁵
- **Youth incarceration drives long-term enmeshment in the justice system**
Incarceration is 'criminogenic' - exposing young people to the traumatising and life-limiting effects of a jail cell results in more crime, not less. 85% of children released from sentenced detention reoffend within 12 months.⁶ 90% of Indigenous young people aged 16 at their first court appearance go on to offend again as an adult.⁷
- **Incarcerating young people is expensive**
Australian governments spend more than \$816 million on incarcerating children every year.⁸



WHAT WE HAVE LEARNED FROM ROEBOURNE

Big hART has been working alongside the remote community of Ieramagadu (Roebourne) in Western Australia's Pilbara region since 2010.

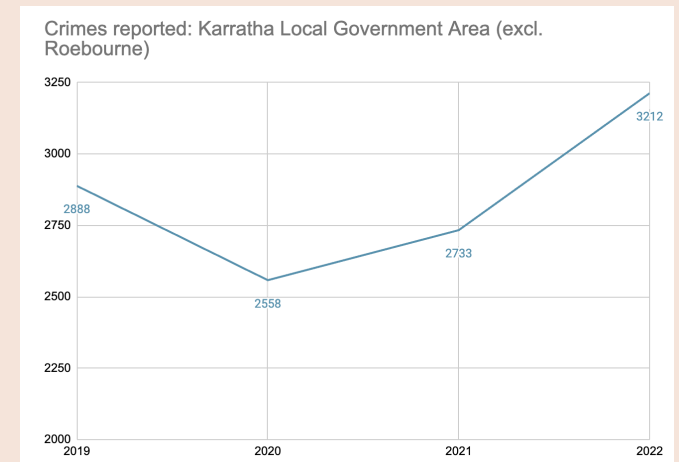
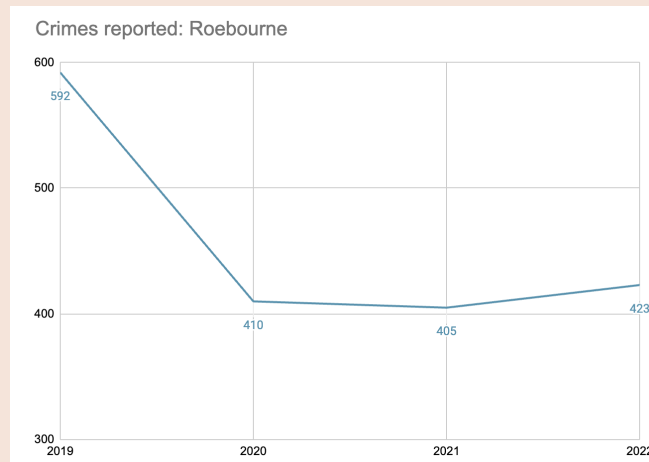
The project uses arts, music and digital media skills-building to engage young people and grow connections with their Elders and culture, improve their education and employment opportunities and to tell the stories of the community. It involves arts-based workshops in the prison, school and wider community that work to build individual capacity through positive social engagement, skills development and mentoring. The project aims to drive stronger community pride and connection, and raise awareness about Indigenous incarceration and its impacts on communities.⁹

A growing body of evidence demonstrates that **culturally safe, community-led arts and creative programs can greatly reduce rates of offending and reoffending** among participants, especially in a First Nations context.¹⁰ This is supported by learnings on the ground in the rural community of Roebourne. 13 years of community and cultural development in Roebourne demonstrates that community-led art and music programs are effective tools for both preventing youth justice involvement and diverting young people out of the criminal justice system in rural and regional communities.

Big hART's work in Roebourne has seen considerable community impact. Police reported a **drop in overall offending** in the Roebourne police sub-district in the first 5 years of the project:¹¹

- Threatening behaviour within a family context fell by 65%
- Motor vehicle theft fell by 62%
- Burglary fell by 20%.

Since then, offending in Roebourne has fluctuated but continued to trend downwards,¹² bucking the trend of increasing offending in the broader Karratha Local Government Area.¹³ **Since 2019, offending has fallen by 28.5% in Roebourne.**¹⁴



Source: Western Australia Police and Red Suburbs.¹⁵

It is difficult to determine the exact extent to which the project contributed to the 28.5% reduction in offending observed in Roebourne since 2019. However, given the evidence outlined in this Position Paper, it is likely that this contribution is substantial.

Songs for Freedom and its partner projects in Roebourne demonstrate the **untapped potential of art and music in primary prevention and diversion for First Nations young people**. Participants report strong individual, relational and community impacts, strengthening protective influences against justice involvement at individual, relational and community levels.¹⁶

Access to family and culture plays an essential role in preventing Indigenous young people becoming enmeshed in the criminal justice system. Evidence has shown that community-led programs that provide opportunities for multi-generational sharing of cultural knowledge through art and music is important for the overall wellbeing of First Nations young people.



“SINGING IS GOOD FOR HEALING. I SEE THAT THE YOUNG ONES THAT GET INVOLVED IN MUSIC WORKSHOPS STAY OUT OF TROUBLE.”

WENDY DARBY, NYANGUMARTA ELDER
AND SONGS FOR FREEDOM PARTICIPANT



PRIMARY PREVENTION

The evidence shows that addressing the underlying needs of young people through community-based supports is far more effective than incarceration for reducing crime.¹⁷ By accessing early supports and engagement, young people can avoid interacting with the justice system to begin with.

Access to family and culture plays an essential role in preventing Indigenous young people becoming enmeshed in the criminal justice system.¹⁸ Community-led programs that provide opportunities for multi-generational sharing of cultural knowledge through art and music are important for the overall wellbeing of First Nations young people. These programs can build skills and confidence, promote strong connection and healthy relationships and discourage anti-social and high-risk behaviours.¹⁹

Primary prevention has been a strong focus of the work in Roebourne.

This includes Songs for Freedom, an annual community concert rooted in high-intensity creative and cultural engagement. The project worked with a large portion of the community, increased social harmony and cultural participation, developed creative and digital skills and capability, fostered intergenerational connection and transfer of knowledge and strengthened pride in the local community.

The Tjaabi Project involved a series of workshops and activities to engage young people with cultural knowledge and traditional song and dance. The project was shown to have strong social benefits for the community, including decreased antisocial behaviour, increased cultural immersion and a stronger sense of leadership, belonging and connectedness among participants.²⁰

Through NEO-Learning, Roebourne's young digital creators have shared digital art lessons and cultural exchange with over 5,000 primary school students across the country.²¹ It also led to the establishment of a Digital Lab to support the young people of Roebourne to engage with cultural knowledge and develop their skills.





DIVERSION

Responding to offending behaviours with non-criminalising justice reinvestment programs assists with diverting young people away from unnecessary entanglement with the justice system. Diversion has been shown to be more cost effective than custodial sentencing, lead to safer communities, and help reduce Indigenous over-representation in the justice system.²² Although results vary, research has shown that rates of reoffending among young people engaged in diversion programs can be as low as 4%,²³ compared to the standard reoffending rate of 58%.²⁴

Evidence shows that community-led art, music and cultural programs targeting diversion can reduce offending and recidivism among young people.²⁵ They have been shown to increase confidence, self-esteem, self-image and motivation, as well as encourage desistance away from risky or anti-social behaviours. They increase intergenerational engagement, strengthen relationships, and lead to a greater sense of belonging and connectedness.²⁶

Diversion has also been a key focus of the work in Roebourne.

Banhanguru-bura was a youth mentoring program for young people in Roebourne. 41 young people developed new knowledge around Aboriginal ecology and sustainability practices, visited important sites on country, and discovered new career pathways such as cultural tourism. 73 creative and cultural workshops were held, focusing on photography, film and digital skills-building as a medium to document their own learning and share their voices with the community. It also created pathways back to formal education, with school engagement increasing at the time of the program's close.²⁷

Through NEOMAD, 40 Indigenous young people who were disengaged from education were supported to lead the development of an interactive digital comic, basing characters on their own positive character traits and their own aspirations. The project uses a contemporary medium as a means to share the rich cultural heritage of the Pilbara and its people.²⁸

THE ECONOMIC CASE FOR CHANGE

As well as its high social cost, juvenile detention has a high financial cost. To keep a single child in custody costs \$2,720 for a single day, equating to \$993,480 over a full year.²⁹ Overall, **Australian governments spend more than \$816 million on juvenile detention every year.**³⁰

This does not include the indirect costs associated with child incarceration such as increased reliance on social services, increased welfare dependency, increased use of mental health supports and wasted potential.

Community-based prevention and diversion programs have been shown to be far more cost-effective than detention.³¹ Evaluations consistently show that real savings are delivered to government and the wider economy as a result of lower long-term recidivism and reliance on government services.

Evidence suggests that **every \$1 invested in diversion can save around \$2-3**, with some estimates as high as \$5.90.³²

Big hART's work with the community in Roebourne costs around \$1.5 million per year.

For this level of investment, the project is likely to have made a substantial contribution to the 28.5% reduction in crime observed in Roebourne since 2019.

If similar community-led prevention and diversion programs were implemented to scale across rural and remote communities, similar reductions in offending could be made, with substantial savings to government. It is estimated that a reduction in youth incarceration of 28.5% nationally would save \$232.6 million per year.





INTRODUCTION

In September 2023, a delegation of First Nations artists and musicians from the remote Western Australian town of Ieramagadu (Roebourne) performed in the Parliament House courtyard in Canberra to an audience of MPs, Senators and staffers from across the political spectrum. They sang songs written in their community about peace, justice and freedom.

Their message was clear: locking up children is not working.

Across the country, Indigenous children are incarcerated at 24 times the rate of their non-Indigenous peers. In the vast majority of cases these children are on remand, and most will return to the justice system within 12 months.

The evidence is clear that contact with the justice system early in life commits young people to a long-term cycle of disadvantage and repeated episodes of incarceration.

Young people who have been incarcerated prior to turning 18 are more likely to experience long-term impacts such as unemployment and homelessness, and to return to prison as an adult.

They experience physical barriers to accessing protective and preventative influences like cultural practice, family support and community participation, and their surroundings reinforce the narrative that they are inherently and irretrievably criminal.

Indigenous young people experience disadvantages from early in life that expose them to the justice system at a younger age, more episodes of incarceration, and worse outcomes over the life course, setting up the next generation for more of the same.

In the Pilbara region of Western Australia, this narrative is being re-written. In Ieramagadu (Roebourne), the community is demonstrating the vital role that art, music and cultural practice play in reducing involvement with the justice system for Indigenous young people.

Big hART, Australia's leading cultural justice and development organisation, has worked alongside marginalised and invisible communities for more than 30 years, working to tell stories, build community and drive change through high-quality art and creative projects.

Beginning in 2010, *Yijala Yala* - the first stage of Big hART's work in Roebourne - developed community-driven pathways towards better outcomes and a brighter future for Roebourne's young people - described by Elders as their 'Future Heritage'. The project took its name from the Ngarluma and Yindjibarndi words for 'now'. The current phase of the project, operating under the name *New Roebourne*, draws on the cultural assets of the community to support Roebourne as it challenges the negative stories so often repeated about their town and its people.

The cornerstone of New Roebourne is *Songs for Freedom*, a concert based on songs written by the people of Roebourne, both in the community and in prison. Its performers include Indigenous and non-Indigenous artists from across the country, centering around the family of John Pat - the 16 year old Indigenous boy whose death in police custody preceded the establishment of the Royal Commission into Aboriginal Deaths in Custody. The project is designed both to support the Roebourne community

as it moves to free itself from past narratives, as well as to spearhead a campaign to raise awareness about rates of incarceration of First Nations people, particularly young people. *Songs for Freedom* has played to more than 10,000 people, and in 2023 it toured six cities across Australia.

Advocacy has long centred on the need for legislative and regulatory reforms to reduce the number of First Nations young people in custody, such as raising the age of criminal responsibility and abolishing laws that require magistrates to give custodial sentences. These have been the focus of countless reports and this evidence will not be rehashed in detail here. These top down reforms have a role as federal, state and territory governments seek to address rates of Indigenous incarceration. However, they need to be supplemented with ground-up, community-based programs to support the rehabilitation and reintegration of young people as governments move away from incarceration as a de facto response to youth offending and towards using incarceration as a last resort.

Proactive and innovative approaches will be needed to reduce the number of Indigenous young people in the justice system. Research evidence from Australia and internationally demonstrates the untapped potential of art and music as diversionary and preventative pathways for First Nations young people. This Paper synthesises this research with evidence from the ground, gifted by a remote community with more than a century of lived experience of the effects of justice policy failure.

More than 13 years after being invited into the Roebourne community, Big hART is privileged to share the art, stories and thought leadership of the people of Roebourne, and work together to halve the number of First Nations people in incarceration by 2030. It is in this spirit that this Position Paper is offered.

WHAT THE DATA TELLS US

Indigenous young people are incarcerated at very high rates

Nationally, Indigenous children aged 10-17 are 24 times more likely to be incarcerated than their non-Indigenous peers. Despite making up around 6% of the population, Indigenous children make up 55% of young people in detention on an average day.³³

This dramatic over-representation is particularly pronounced among children aged 10-13. Indigenous children in this age group are 45 times more likely to be incarcerated than their non-Indigenous peers.³⁴ Indigenous children (36%) are more than twice as likely to enter justice system supervision before they turn 14 than non-Indigenous children (14%).³⁵

Rates of Indigenous youth incarceration vary across states and territories (Table 1). Western Australia has the highest rate of First Nations youth incarceration, at almost 44.6 per 10,000 people. This rate is 47 times the rate of non-Indigenous young people per 10,000, the highest ratio of any state or territory.³⁶ Almost 7 out of 10 detainees in Banksia Hill Detention Centre - the state's only youth detention centre - are Indigenous.³⁷ This is second only to the Northern Territory.



TABLE 1:
 INCARCERATION
 OF FIRST NATIONS
 YOUNG PEOPLE BY
 STATE OR TERRITORY

STATE OR TERRITORY	PROPORTION OF 2021-22 DETAINEES THAT ARE FIRST NATIONS	DETENTION RATE OF FIRST NATIONS YOUNG PEOPLE (PER 10,000)	RATIO OF FIRST NATIONS AND NON-FIRST NATIONS DETENTION RATE
New South Wales	46%	15.7	17.4
Queensland	63%	40.9	23.3
Western Australia	68%	44.6	47.2
Victoria	15%	9.5	8.6
South Australia	47%	18.1	19.7
Northern Territory	93%	44.1	N/A
Australian Capital Territory	23%	N/A	N/A
Tasmania	36%	N/A	N/A
TOTAL	53.1%	28.3	24.3

Source: Australian Institute of Health and Welfare.³⁸

OFFENDING IS OFTEN DRIVEN BY SOCIAL DISADVANTAGE

It has long been established that crime rates are strongly influenced by social factors such as poverty, involvement with the child protection system, mental health issues and trauma. The intersection of these multiple forms of disadvantage heightens the risk of people coming into contact with the criminal justice system.³⁹

Young people from disadvantaged backgrounds are substantially more likely to end up incarcerated. The most recent available data shows that:

- The majority (55%) of children in youth detention have a background in the child protection system.⁴⁰
- Children in detention are 26 times more likely to have been in out-of-home care than other children their age.⁴¹
- Almost 7 in 10 detainees (68%) have experienced childhood abuse or neglect.⁴²
- Half (49%) of detainees have experienced some kind of trauma.⁴³
- Young people from the lowest socioeconomic areas were 5 times more likely to be in detention.⁴⁴
- Rates of neuro-disability among incarcerated children in Western Australia's only detention centre are as high as 90%.⁴⁵
- 24% of Indigenous young people in custody have an intellectual disability, versus 8% of non-Indigenous young people.⁴⁶

A lack of access to early coordinated community-based responses and service for children facing additional disadvantage leaves them at risk of falling through the cracks and being caught in the justice system.⁴⁷

Incarceration in turn can perpetuate many forms of disadvantage, trapping people in a cycle that can be life-long, or even multi-generational.

YOUTH INCARCERATION DRIVES LONG-TERM ENMESHMENT IN THE JUSTICE SYSTEM

Incarceration does not reduce crime rates. Data from Western Australia shows us that, although the state's prison population increased dramatically between 2011 and 2021, crime rates have not reduce.⁴⁸

Not only do harsh punishments like imprisonment fail to deter people from offending, incarceration is 'criminogenic'. That is, exposing young people to the traumatising and life-limiting effects of a jail cell results in more crime, not less.⁴⁹ Analysis of data between 2000 and 2022 found that 85% of children released from sentenced detention received a new sentence within 12 months.⁵⁰

This pattern continues into adulthood: 90% of Indigenous young people aged 16 at their first court appearance go on to offend again as an adult.⁵¹ Almost two thirds of people who have been in incarcerated have been in prison before, and this figure is growing.⁵²

People who have been to prison are more likely to experience long-term unemployment, homelessness and poverty.

Nationally, only 22% of people leaving prison are employed on release, while 54% exit prison straight into homelessness. Both unemployment and homelessness are in turn associated with a much greater risk of returning to prison, and in both cases First Nations people experience worse outcomes than non-Indigenous people.⁵³

Data also shows that the impacts of imprisonment can be multi-generational, especially among First Nations people. 68% of Indigenous young people in custody had a parent who had been incarcerated, versus 37% of non-Indigenous young people.⁵⁴

INCARCERATING YOUNG PEOPLE IS EXPENSIVE

Australian governments spend \$816.2 million on incarcerating children every year.⁵⁵ This does not include the indirect costs associated with child incarceration such as the costs of flying young people from remote communities to detention, increased welfare dependency and wasted potential.

POLICY CONTEXT

This section provides a brief summary of the policy context relevant to this Paper, including progress towards reform. Systemic and legislative reforms to address the over-representation of First Nations young people in the criminal justice system have been discussed exhaustively elsewhere so will not be repeated in detail here. More detailed analysis of proposed policy, systems, legislative and regulatory reforms can be found on the [Justice Reform Initiative website](#).⁵⁶



CLOSING THE GAP

The 2020 National Agreement on Closing the Gap aims to commit Commonwealth, state and territory governments to action to improve outcomes for First Nations people, measured against the 17 Socio-Economic Targets.

Target 10 of the National Agreement on Closing the Gap is as follows:

BY 2031, REDUCE THE RATE OF ABORIGINAL AND TORRES STRAIT ISLANDER ADULTS HELD IN INCARCERATION BY AT LEAST 15 PER CENT.

We have made no progress on this target. Nationally, the rate of incarceration of First Nations adults per 100,000 people has increased, rather than decreased, since the baseline year. Western Australia remains the jurisdiction with the highest rate of incarceration.⁵⁷

Target 11 of the National Agreement on Closing the Gap is as follows:

BY 2031, REDUCE THE RATE OF ABORIGINAL AND TORRES STRAIT ISLANDER YOUNG PEOPLE (10-17 YEARS) IN DETENTION BY AT LEAST 30 PER CENT.

Nationally, the rate of incarceration of First Nations children per 10,000 people has fallen slightly since 2018-19 (the baseline year). However, the year-on-year rate rose between 2020-21 and 2021-22. Queensland, Western Australia and the Northern Territory remain the jurisdictions with the highest rate of First Nations child incarceration, with the Northern Territory going backwards.⁵⁸

JUSTICE REINVESTMENT

Justice reinvestment is a term describing a broad range of initiatives that fund prevention and early intervention as a means of reducing the number of people in the justice system (this is explored further below). Justice investment initiatives can include family, housing and employment supports.⁵⁹

In 2013, a collaboration of community organisations implemented a First Nations-led, place based justice reinvestment model in Bourke New South Wales to address the drivers of offending behaviours. Following the project's establishment, Bourke observed reduced rates of domestic violence, increased rates of Year 12 retention and a 42% reduction in the number of days spent in custody. It was estimated that the program saved the economy 5 times more than it cost to run.⁶⁰

Building on successful justice reinvestment projects such as those in Bourke, the Commonwealth Government announced in the October 2022 Budget that \$69 million will be invested in 30 community-led justice reinvestment projects over 4 years.⁶¹ This equates to approximately \$575,000 per community per year. The first two sites to be announced were Halls Creek in the Kimberley region and Alice Springs, with grant applications to inform the other 28 communities to open in late 2023.⁶² An independent justice reinvestment unit will be established to administer these projects.⁶³

REMAND

Almost three-quarters (72%) of young people in detention on a given day have not been sentenced.⁶⁴ The majority of these are on remand, and this population has been steadily rising. This over-reliance on remand disproportionately affects First Nations people: in NSW they are 15 times more likely than non-Indigenous people to be on remand.⁶⁵

The current remand system contributes to the criminalisation of young people, especially Indigenous young people. People held on remand are at greater risk of returning to custody later.⁶⁶ It disconnects children from protective influences such as school, family supports and community activities, and exposes them to additional risk factors, including learned anti-social behaviours through negative peer interactions.⁶⁷

In many cases incarceration is used as a means of managing difficult cases rather than as a last resort, as per Australia's obligations under international law.⁶⁸

'THE ARREST, DETENTION OR IMPRISONMENT OF A CHILD [...] SHALL BE USED ONLY AS A MEASURE OF LAST RESORT AND FOR THE SHORTEST APPROPRIATE PERIOD OF TIME'

UN CONVENTION ON THE RIGHTS OF THE CHILD (1989), ARTICLE 37.

In many cases, a lack of suitable accommodation options is cited as a reason for denying bail. This particularly affects First Nations young people, those in regional areas and those with complex needs. Young people being unnecessarily remanded could be minimised through providing programs to help young people find suitable accommodation, and training for police and courts on appropriate bail conditions.⁶⁹

Reducing the use of remand for young people who offend will require alternatives for young people awaiting trial or sentencing. Community-based bail support programs have been shown to increase rates of compliance with bail conditions and reduce reoffending by diverting young people away from incarceration.⁷⁰

AGE OF CRIMINAL RESPONSIBILITY

The age of criminal responsibility in Australia is governed by legislation in each state and territory. In most jurisdictions, children as young as 10 can be held criminally responsible for offending behaviours. For children aged between 10 and 13 years, the prosecution must successfully argue that the child knew their conduct was wrong. States and territories vary in how this is governed and applied.⁷¹

Australia's age of criminal responsibility leaves us out of step with international standards. The median age of criminal responsibility internationally is 13.5 years.⁷² The United Nations Committee on the Rights of the Child encourages signatories to the Convention to adopt a minimum age of criminal responsibility to at least 14 years.⁷³ The advice reflects current research on child development and neuroscience demonstrating that children under 14 years old lack the capacity for abstract reasoning.⁷⁴

The current age of criminal responsibility is also counter-productive in terms of reducing crime. The Royal Commission into Detention and Protection of Children in the Northern Territory found that detention is 'counter-productive to younger children engaging sustainably in rehabilitation and to reducing recidivism'.⁷⁵

Raising the age of criminal responsibility has been discussed at the Standing Council of Attorneys-General (SCAG) - formerly the Council of Attorneys-General (CAG). In November 2021 it was announced that CAG supported the development of a proposal to increase the age of criminal responsibility from 10 to 12 years.⁷⁶ However, the Council later noted that further work was required to understand the need for services and supports for children who offend.⁷⁷

Since that time:

- The Northern Territory legislated to raise the age of criminal responsibility from 10 to 12.
- The ACT committed to raising the age of criminal responsibility from 10 to 14.
- Victoria pledged to raise the age of criminal responsibility to 12 by 2024 and to 14 by 2027.

Raising the age of criminal responsibility remains on the SCAG agenda.

MANDATORY CUSTODIAL SENTENCING

Both Western Australia and the Northern Territory have enacted laws that require people who commit particular offences to be automatically jailed for minimum periods. These laws usually apply to certain kinds of offences or to repeat offences.⁷⁸

This means that the judge or magistrate is not able to consider the specific circumstances of the case that may be mitigating factors, or seek alternative sentencing options that may be more rehabilitating, such as suspended sentences.

In Western Australia, mandatory sentences for young people include:

- 12 months imprisonment for repeat burglary offences
- 3 months imprisonment for assaulting a public officer (including a police officer).

There is very little evidence that mandatory sentencing reduces crime.⁷⁹ Lengthy imprisonment impacts people's employment and housing outcomes, reduces their social connections, and increases their contact with other people caught in cycles of offending, all of which contribute to recidivism.⁸⁰

The aim of mandatory sentencing laws is primarily incapacitation - the prevention of future crime. This stands in contrast to the legal principle that incarceration should be a last resort.⁸¹ The Australian Law Reform Commission argues that this kind of 'preventative detention' violates the legal principle that punishments should be proportionate to the crime.⁸²

Mandatory sentencing does not allow the court to consider all the circumstances. They limit an individual's right to a penalty based on the unique circumstances of their offence.⁸³ This is demonstrated by the following example from the Aboriginal and Torres Strait Islander Social Justice Commissioner:

'IN ONE CASE, A 12 YEAR OLD ABORIGINAL BOY FROM A REGIONAL AREA, WITH A HISTORY OF WELFARE INTERVENTION, EDUCATIONAL PROBLEMS AND SUBSTANCE ABUSE, WAS SENTENCED TO 12 MONTHS DETENTION FOR ENTERING A HOUSE IN COMPANY WITH OTHERS AND TAKING A WALLET CONTAINING \$4.00. HIS PREVIOUS BURGLARIES CONSISTED OF ENTERING A LAUNDRY ROOM IN A HOTEL WHERE NOTHING WAS REMOVED AND A SCHOOL CANTEEN WHERE A CAN OF SOFT DRINK WAS TAKEN.'⁸⁴

Mandatory sentencing laws also disproportionately affect First Nations people. They apply to laws which are statistically more likely to be laid against First Nations people. For instance, Western Australia's offence of assaulting a public officer - including police - is commonly laid against First Nations people.



INTERNATIONAL MODELS

Numerous international examples demonstrate the long-term social and economic benefits of investing in services and supports that prevent young people from entering into incarceration unnecessarily. While the Royal Commission into the Protection and Detention of Children in the Northern Territory emphasises that there is no one 'silver bullet' to be found among international case studies, it points to both historical and recent models to which Australia can look to improve outcomes for both young people and communities. These include: the United Kingdom, New Zealand, Canada, and multiple jurisdictions within the United States.⁸⁵

YIJALA YALA AND NEW ROEBOURNE

This section draws on this existing research and learnings from Big hART's work alongside the community of Roebourne to establish that community-led art and music programs are effective tools for both preventing youth justice involvement and diverting young people out of the criminal justice system in rural and regional communities.



A growing body of evidence demonstrates that culturally safe, community-led arts and creative programs can greatly reduce rates of offending and reoffending among participants, especially in a First Nations context.⁸⁶

Big hART has been working in the remote community of Ieramagadu (Roebourne) in Western Australia's Pilbara region since 2010. This community development, cultural maintenance, arts and social change project involves long-term engagement with the community and has evolved over time. The initial stage of the project, Yijala Yala, began with relationship-building and listening, and aimed to support the maintenance and intergenerational transmission of Roebourne's cultural heritage. Over time it has developed into New Roebourne, the project's legacy phase designed to build on the strengths of this community collaboration.

The project uses arts and digital media skills-building to engage young people and grow connections with their Elders and culture, improve their education and employment opportunities and to tell the stories of the community through music, digital media and a high-profile touring theatre work. It involves arts-based workshops in the prison, school and wider community that work to build individual capacity through positive social engagement, skills development and mentoring. The project aims to drive stronger community pride and connection, and raise awareness about Indigenous incarceration and its impacts on communities.⁸⁷

Since being invited into the community by Elders, Big hART has helped deliver more than 2,500 workshops, held dozens of community concerts and performances and established more than 25 local partnerships. Of the 400 young people living in Roebourne, more than 80% have been engaged in at least one project.⁸⁸

Songs for Freedom represents a culmination of works delivered throughout the last 13 years, drawing on the strengths and creative outputs of the community to advocate for change to a national audience.

IMPACT ON OFFENDING

Big hART’s work in Roebourne has seen considerable community impact. Roebourne Police, partners in the delivery of Big hART’s projects in the community, have observed real change in the community and particularly among participants. Acting Senior Sergeant Jodie Shuttleworth notes:

‘OVER THE YEARS, BIG HART HAVE DEMONSTRATED THEIR ABILITY TO ENGAGE AND WORK STRONGLY WITH YOUNG PEOPLE AND ACROSS DIFFERENT LEVELS OF COMMUNITY WITH STRONG OUTCOMES AS A RESULT.’⁸⁹

Police reported a drop in overall offending in the Roebourne police sub-district in the first 5 years of the project:⁹⁰

- Threatening behaviour within a family context fell by 65%
- Motor vehicle theft fell by 62%
- Burglary fell by 20%.

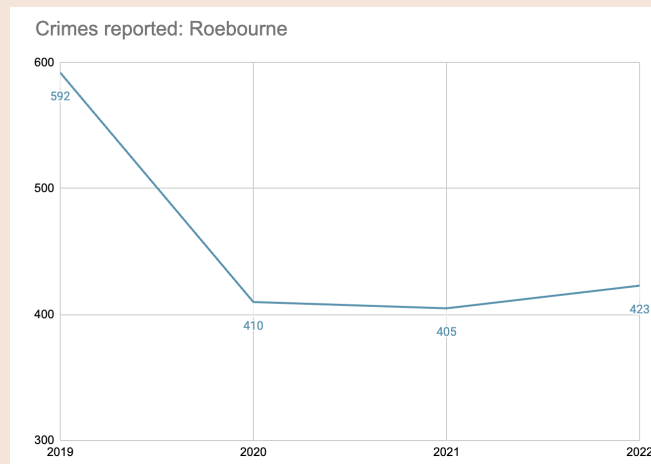
Police have previously noted that in the month preceding a Big hART community concert, involving intensive engagement with Roebourne’s young people, a reduction in youth offending was observed across the community.⁹¹

An indicative analysis of crime rates in Roebourne sheds light on the impact of Songs for Freedom and the other projects in the community.

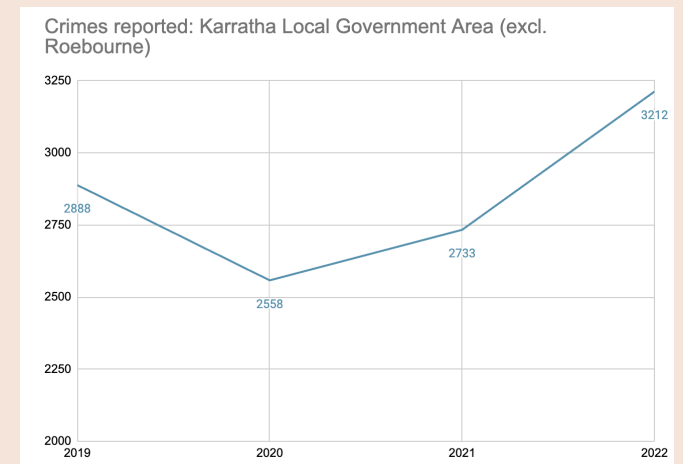
This analysis should not be interpreted as suggesting that changes in offending rates can be solely attributable to Big hART projects. However, police have previously indicated that community crime prevention strategies in Roebourne have contributed to reductions in crime.⁹²

Although Big hART has been working with the Roebourne community since 2010, Songs for Peace (the precursor to Songs for Freedom) was not established until the end of 2018. Therefore 2019 is taken as the benchmark year for the analysis. Data on youth offending or detention in Roebourne is not available.

Total crime reported in Roebourne has trended downward in recent years - from 592 offences reported in 2019 to 423 in 2022.⁹³ This represents a reduction in overall offending of 28.5%.

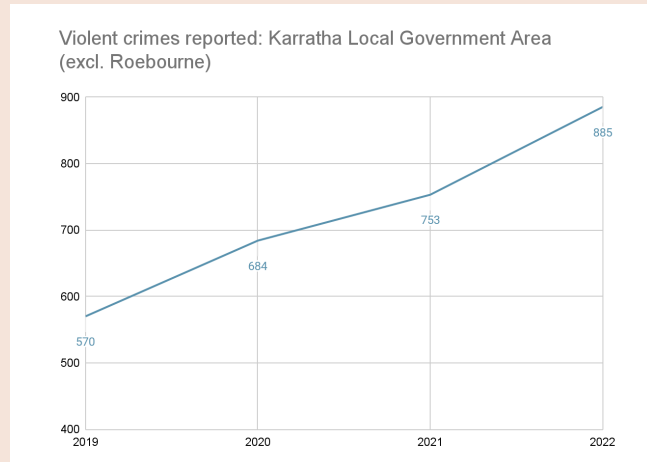
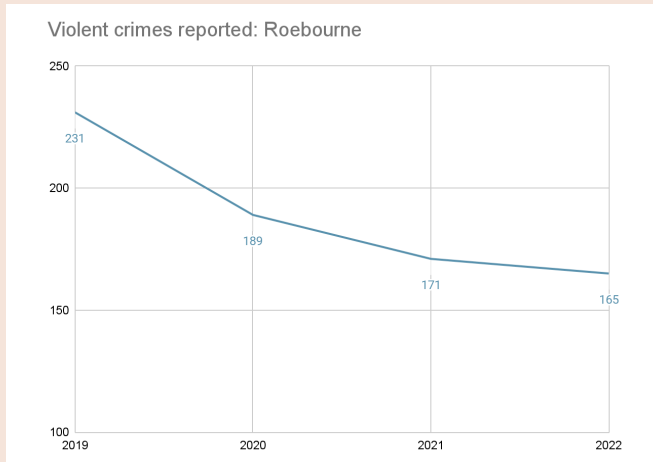


Source: Western Australia Police and Red Suburbs.⁹⁴



Although crime rates tend to fluctuate, the observed change in crime rates in Roebourne is substantial when compared to the rest of the City of Karratha Local Government Area (LGA), which saw an 11% increase in crime over the same period.

Similarly, the number of violent crimes fell from 231 in 2019 to 165 in 2022, a decrease of 28.6%.



Source: Western Australia Police, Red Suburbs.⁹⁵

Note: 'Violent crime' includes: assault, homicide, robbery, abduction and sexual offences.

Again, this is particularly notable compared with the rest of the City of Karratha LGA, which has seen a dramatic increase (55.3%) in violent crime since 2019. Comparable figures on youth offending are not available publicly, however it is likely that the project has contributed to a similar drop in youth offending.

Crime is influenced by a number of factors, so more detailed analysis is required to understand the extent to which the community work in Roebourne has contributed to this observed reduction in crime. However, it gives an indication of the level of impact that Yijala Yala and New Roebourne have had on the community, particularly in contrast to the rest of the LGA, and it is consistent with research evidence about the efficacy of such programs in reducing offending. This is explored in greater detail below.



LEARNINGS FOR PRIMARY PREVENTION AND DIVERSION

Songs for Freedom and its partner projects in Roebourne demonstrate the untapped potential of art and music in primary prevention and diversion for First Nations young people. Participants report strong individual, relational and community impacts, strengthening protective influences against justice involvement at individual, relational and community levels.⁹⁶

The following section draws on case study projects from Big hART's 13 years of learning and co-creating in Roebourne to demonstrate the impact of art and music for the purpose of primary prevention and diversion. These case studies are a small sample of the projects delivered in Roebourne over this time. Many other examples demonstrate benefits to individuals, relationships, and community. A fuller but not exhaustive compilation of works completed in Roebourne is available online.⁹⁷

The distinction made in this paper between prevention and diversion is largely for practical reasons. In practice both concepts are inherently linked and projects targeting one will usually beneficially impact the other. The developing literature on Justice Reinvestment draws on both concepts to articulate the benefits of providing early supports to individuals and communities to reduce the risk of imprisonment.⁹⁸ Where primary prevention typically targets the broader community to address the underlying drivers of offending, diversion involves targeted programs for young people who have been identified to be at risk of offending, including those who have already had contact with the justice system.

PRIMARY PREVENTION

As noted above, young people who enter the juvenile justice system also typically experience a number of concurrent forms of disadvantage and disconnection, including from community, culture, education, secure housing or safe home environments. Primary prevention aims to support communities to address the environmental factors that contribute to offending behaviours. This means looking ‘upstream’ at the underlying drivers of offending, and considering it in its social context rather than solely as a matter of individual behaviour.⁹⁹

The evidence shows that addressing the underlying needs of young people through community-based supports is far more effective than incarceration for reducing crime.¹⁰⁰ By accessing early supports and engagement, young people can avoid interacting with the justice system to begin with, before they are started on a cycle of incarceration and growing disadvantage. Primary prevention works by empowering families and communities to support children and young people from birth.



“

“THROUGH SONGS FOR FREEDOM I LEARNED A BIT MORE OF MY LANGUAGE. I LEARNED A BIT MORE A BIT OF MY CULTURE. I LEARNED THAT I HAVE RESPONSIBILITY. I LEARNED HOW TO TAKE CARE OF MYSELF AND TO BE THERE FOR OTHERS. AND TO BE A BETTER PERFORMER.”

NINA, SONGS FOR FREEDOM PARTICIPANT

CULTURE IS PRIMARY PREVENTION

The positive impacts of art on individual health and wellbeing are well-recognised.¹⁰¹ In addition, research shows that community-led creative arts programs can have a powerful role in improving the wellbeing and cohesiveness of communities. They enhance group identity, strengthen social cohesion and improve collective wellbeing.¹⁰² Australia's new cultural policy, *Revive: a place for every story, a story for every place*, released in March 2023, describes how engagement with the arts brings people together, enables the exchange of stories and ideas, gives us a voice and invites under-represented people into the national conversation.¹⁰³

Emerging principles of best practice include that programs should:¹⁰⁴

- be community-led to ensure they are responsive to local needs and to ensure buy-in
- meet young people where they are, and engage them in activities that they actually want to participate in
- be participatory
- be culturally safe
- be trauma-informed
- be skills-based
- be place-based.

Access to family and culture plays an essential role in preventing Indigenous young people becoming enmeshed in the criminal justice system.¹⁰⁵ Data from New South Wales shows that less than 1 in 5 (19%) Indigenous young people in detention say they know a lot about Aboriginal culture. Almost half (44%) report that they know very little or nothing about their culture.¹⁰⁶

First Nations people describe connection to Community, Culture and Country as essential to the overall health and wellbeing of young people.¹⁰⁷ Evidence has shown that community-led programs that provide opportunities for multi-generational sharing of cultural knowledge through art and music is important for the overall wellbeing of First Nations young people. These programs can build skills and confidence, promote strong connection and healthy relationships and discourage anti-social and high-risk behaviours.¹⁰⁸ This strengths-based approach to primary prevention equips Indigenous young people with skills, resources and connections that form powerful protective influences against offending by addressing underlying risk factors.¹⁰⁹

'PROGRAMS SUPPORTED AND RUN BY FIRST NATIONS PEOPLES ENHANCE CONNECTIONS TO CULTURE AND COUNTRY, INHERENTLY IMPROVING CLOSING THE GAP OUTCOMES FOR FIRST NATIONS PEOPLES IN EDUCATION, EMPLOYMENT, JUSTICE, HEALTH AND WELLBEING, AND LANGUAGES.'

REVIVE: AUSTRALIA'S CULTURAL POLICY¹¹⁰

SONGS FOR FREEDOM

Supported by Elders and developed over Big hART's 13 years working with community, Songs for Freedom is a product of long-term engagement and deep listening in Roebourne.

The project has its roots in a series of music workshops for inmates of Roebourne District Prison to keep them engaged and connected to their community. It also draws attention to the issue of Indigenous deaths in custody. High-profile artists were invited to the prison to work with the inmates on the workshops, and eventually a band was formed and a touring performance piece was produced, culminating in a performance at the opening of the 2014 Melbourne International Arts Festival at Federation Square. This phase of the project primarily aimed to support prisoners to share their stories, build bridges that transcend prison walls and assist in the rehabilitation of participants.¹¹¹ John Pat's family offered for his nickname to be used for the prison music program: Murru.¹¹²

Murru developed into Songs for Peace, an annual event held by the community to promote harmony, safety and a strong future for Roebourne. Each year dozens of music and songwriting workshops are held both in community and in Roebourne Regional Prison, culminating in a large outdoor concert that brings the community together. Young people who participated built confidence, developed new transferable skills and engaged with culture by working alongside professional musicians under the guidance of Elders.

**'SINGING IS GOOD FOR HEALING.
I SEE THAT THE YOUNG ONES THAT
GET INVOLVED IN MUSIC WORKSHOPS
STAY OUT OF TROUBLE.'**

**WENDY DARBY, NYANGUMARTA ELDER
AND SONGS FOR FREEDOM PARTICIPANT**

After multiple successful annual events, including reaching a national audience of more than 300,000 through ABC TV, community members chose to use their growing voice to advocate for policy change to reduce the number of Indigenous young people in detention.

This became Songs for Freedom, which toured nationally in 2023 to share stories from Roebourne and raise awareness about Indigenous incarceration rates.¹¹³ Participants played to more than 10,000 people in 6 cities, including a performance at Parliament House attended by MPs and Senators. The tour has created opportunities for both Elders and young people to engage with senior politicians and decision makers from across the country, including federal Attorney-General Mark Dreyfus, state and territory Attorneys-General and Children's Commissioners.

Over their different iterations, community concerts in Roebourne have had a strong primary prevention focus. The project worked with a large portion of the community, increased social harmony and cultural participation, developed creative and digital skills and capability, fostered intergenerational connection and transfer of knowledge and strengthened pride in the local community.

A young Songs for Freedom participant who has been involved in the youth justice system explains the impact of culturally safe, community-led art and music programs on her self-image and ability to imagine a positive future for herself:



'Big hART is also like a family, I've been going there my whole life almost. I'd like to go there every day, making videos, dance workshops, taking photos, cooking up a big family feed – it's really amazing. We all love each other and have got a big heart – I know I'm not alone there. [...]

At Big hART it feels like we can do anything. Everyone loved me, and I loved them, and that helped to get my head off things when I was stressing. To see different kinds of worlds and sing in different places. To learn all the songs. I feel excited about myself. I feel very proud of myself to feel so happy that I'm getting myself somewhere in life.¹¹⁴

TJAABI

The Tjaabi Project involved a series of workshops and activities to engage young people with cultural knowledge and traditional song and dance, led by Ngarluma singer Patrick Churnside, his family and Elders. More than 80 young people participated in on-Country trips with mentors and Elders, as well as skills development, cultural immersion workshops, creative production and performances.

The project supported the preservation, promotion and transmission of ancient cultural knowledge and the creation of new community connections. The performance of Tjaabi also involved a rich cultural exchange, both celebrating Indigenous culture and inviting non-Indigenous audiences to participate in its celebration as a means to increase social harmony and cohesiveness.

The Tjaabi Project was shown to have strong social benefits for the community, including decreased antisocial behaviour, increased cultural immersion and a stronger sense of leadership, belonging and connectedness among participants.¹¹⁵

IERAMUGADU DIGITAL LAB AND NEO-LEARNING

The Telstra Foundation supported the development of NEO-Learning, an education platform co-created with Roebourne young people to connect schools across the country with First Nations digital arts content, resources and virtual learning experiences.¹¹⁶ Through the program, 80 of Roebourne's young digital creators have shared digital art lessons and cultural exchange with over 5,000 primary school students across the country.¹¹⁷ It also supported the engagement of young people with the education system.

It also led to the establishment of the Ieramugadu Digital Lab, purpose-built to support the young people of Roebourne to engage with cultural knowledge and develop their skills through tailored mentorships and access to digital media and technologies. The Lab is a space for young people to meet, learn, create and increase their digital literacy.¹¹⁸

PUNKALIYARRA

Funded by the W.A. Department of Justice, Punkaliyarra was developed to support the leadership of young and senior women in Roebourne, by strengthening opportunities for women's cultural knowledge, skills and practice to be shared.

Led by emerging Yindjibarndi Elder Michelle Adams, alongside senior women and Elders in the community, Punkaliyarra has engaged over 80 senior and young women in a diverse program of creative skills workshops and on country trips, and the development of a touring performance work highlighting their stories of strength.

Punkaliyarra has demonstrated the benefits of a tailored space for women to participate, to counter local inequality, and for at-risk young women to build essential leadership skills. Supported by connection to culture and country, young women involved in the program have expressed the value of learning from their women Elders, and upskilling in new creative pathways that support them to express their cultural identity.

DIVERSION

Responding to offending behaviours with non-criminalising justice reinvestment programs that target the drivers of offending, including disconnection from community and disengagement from supports, assists with diverting young people away from unnecessary entanglement with the justice system.

Diversion has been shown to be more cost effective than custodial sentencing, lead to safer communities, and help reduce Indigenous over-representation in the justice system.¹¹⁹

Different diversion programs target various points of contact with the justice system, from first contact with police through to court-based diversion, in-prison programs and post-release supports.

Research shows that, of young people who enter a diversion program after coming into contact with police, the vast majority do not reoffend. In general, about 58% of young people who offend will reoffend within two years.¹²⁰ In contrast, among those in diversion programs, rates of reoffending are substantially lower - sometimes as low as 4%.¹²¹

Some traditional youth justice programs operate through a deficit-based model that disempowers young people by focusing on individual behaviours while ignoring the drivers of offending. By contrast, youth-led programs that focus on social integration, building agency, establishing strong relationships and building community belonging empower justice-involved young people to positively influence their own identity formation.¹²²

‘POLICE OBSERVE A REAL SERVICE GAP IN ROEBOURNE FOR MEANINGFUL ENGAGEMENT WITH THE YOUTH OF THIS COMMUNITY TO BUILD THEIR SKILLS, CONFIDENCE AND POSITIVE DECISION MAKING. OFTEN CRIME IS A SYMPTOM OF BOREDOM, PEER PRESSURE AND LACK OF CONNECTEDNESS EXPERIENCED BY SOME YOUTH IN ROEBOURNE.’

ACTING SENIOR SERGEANT JODIE SHUTTLEWORTH, ROEBOURNE POLICE¹²³

Evidence shows that community-led art, music and cultural programs targeting prevention and diversion can reduce offending and recidivism among young people.¹²⁴ In particular, participatory music-based programs have shown strong results for young people in contact with the justice system. Programs such as music lessons, group improvisation, music therapy, music technology, songwriting workshops and listening have demonstrated a wide variety of benefits including reduced aggression, self-harm, and violence, and increased self-esteem, self-confidence, self-regulation, and empathy.¹²⁵ Vivaldi for First Nations young people, these programs can strengthen connection to culture, and support identity development.¹²⁶

Multiple evaluations of Big hART’s community-led arts programs demonstrate that participants routinely experience a variety of positive personal impacts that are essential for successful diversion and rehabilitation, including increases in confidence, self-esteem, self-image and motivation, as well as desistance away from risky or anti-social patterns or behaviours. They also report improved relational outcomes, including increased intergenerational engagement, stronger relationships, a greater sense of belonging and connectedness.¹²⁷ These have been recognised as the building blocks for best-practice diversion.

BANTHUNGURU-BURA

Banthunguru-bura was a youth mentoring program for young people in Roebourne. Young people who would most benefit were identified by the Elders, the school, police, Big hART and other community partners. Through the program, 41 young people developed new knowledge around Aboriginal ecology and sustainability practices, visiting important sites on country. In doing so, participants worked closely with mentors and were introduced to alternative career pathways such as cultural tourism, natural resource management and ranger programs.

Central to Banthunguru-bura was confidence building and leadership for young people, who participated in 73 creative and cultural workshops focusing on photography, film and digital skills-building as a medium to document their own learning and share their voices with the community through an exhibition of their works. Participants developed new knowledge and skills and improved their engagement with the local community. Participants also reported greater wellbeing, resilience and personal agency as a result of the program.¹²⁸

‘THIS PROGRAM IS IMPORTANT FOR YOUNG PEOPLE OF ROEBOURNE. THEY GET TO EXPERIENCE THEIR CULTURE AND DO IT IN A WAY WHERE THEY’RE RECORDING THEMSELVES AND WHAT THEY’RE LEARNING. THEY’RE LOOKING AT IT FROM BEHIND A CAMERA, SEEING THEIR COUNTRY FROM A NEW PERSPECTIVE.’

**CLINTON WALKER,
BANTHUNGURU-BURA
PROGRAM MENTOR**

The participants’ creative outputs were recognised as part of their schooling, creating pathways back to engagement with education for the young people, 60% of whom were considered ‘extremely disengaged’. At the time of the program’s close, it was reported that attendance and engagement with school had significantly increased.¹²⁹

NEOMAD

NEOMAD is a ground-breaking interactive digital comic, born out of a collaboration between 40 young people from Roebourne and a professional creative team. Participants were Indigenous young people who were recognised as disengaged from education, even described as ‘unteachable’. The young people were supported to hand draw and develop the comic through Adobe Photoshop themselves, basing characters on their own positive character traits and their own aspirations.

The project uses a contemporary medium as a means to share the rich cultural heritage of the Pilbara and its people.¹³⁰ NEOMAD is a best-practice project for re-engagement with the school system, fostering digital literacy and diversion from offending behaviours.¹³¹

‘BIG HART’S WORK SHOWS LITTLE KIDS KNOW HOW MUCH THEY CAN LEARN AND ACHIEVE. THESE PROJECTS ENCOURAGE THE YOUNGER GENERATIONS TO CONTINUE WITH THEIR SCHOOL AND LOOK FOR GREATER CHALLENGES IN THEIR LIFE!’

ALLERY SANDY, YINDJIBARNDI ELDER AND NEOMAD CULTURAL ADVISOR

NEOMAD went on to win a Gold Ledger Award for excellence in comic art, a prestigious Kirkus Star from New York-based Kirkus Reviews, and an ATOM award for Best Multimedia Production.



SCALING AND TRANSFER

It has been shown that with the right capacity-building supports, community-based prevention programs can be scaled up to support crime prevention on a larger scale.¹³²

However, fundamental to the suite of programs delivered in Roebourne are the principles of co-development and co-ownership. Big hART's model involves supporting the development of community-led programs that are place-based and designed to meet the needs of a specific community.

Cookie cutter programs cannot be replicated in multiple contexts without consideration of the needs and strengths of each community. This principle needs to be built into program design and delivery, including the provision of adequate funding and appropriate timeframes to build the relationships and connections necessary for substantive consultation.



THE COST OF ACTION AND INACTION

The imperative to reduce the rate at which Indigenous young people are incarcerated is not only a matter of racial justice necessary to Close the Gap, it is also a matter of good fiscal policy.

As well as a high social cost, punitive responses to juvenile offending behaviours such as detention have an extremely high financial cost.¹³³ To keep a single child in custody costs \$2,720 for a single day, equating to \$993,480 over a full year.¹³⁴

In addition to this is the cost of transporting children for detention. This issue particularly affects Western Australia, where a single juvenile detention centre services Australia's largest state. For a child in the Pilbara region, it costs around \$10,000 for a privately chartered flight to Banksia Hill Detention Centre in Canning Vale, not including the costs of the accompanying security staff.¹³⁵

Overall, Australian governments spend \$816.2 million on juvenile detention every year.¹³⁶

This does not include the indirect costs associated with child incarceration such as increased reliance on social services, increased welfare dependency, increased use of mental health supports and wasted potential.

Community-based prevention and diversion programs have been shown to be far more cost-effective than detention.¹³⁷ Evaluations consistently show that real savings are delivered to government and the wider economy as a result of lower long-term recidivism and reliance on government services. The greatest return on investment comes from primary prevention targeting the earliest years of child development.¹³⁸ Similarly, independent evaluations of evidence-based diversion programs estimate that every \$1 invested can save as much as \$5.90.¹³⁹ A number of these evaluated programs are outlined below (Table 2).



TABLE 2: EXAMPLES OF EVALUATED DIVERSION PROGRAMS

PROGRAM	DESCRIPTION	ESTIMATED RETURN ON INVESTMENT
Court Integrated Services Program (Vic) ¹⁴⁰	Court-based integrated service delivery model	Up to \$5.90 returned to the economy per \$1 invested
Maranguka Justice Reinvestment Project (NSW) ¹⁴¹	Funding redirected from crisis response to preventative, diversionary and community development.	Up to \$5.17 returned to the economy per \$1 invested
Justice Advocacy Program (NSW) ¹⁴²	Targeted supports for navigating the justice system for people with disability, including bail supports	\$3.37 returned to the economy per \$1 invested
Yiriman Project (WA) ¹⁴³	Support and mentorships, connecting First Nations young people with culture, Country and community.	Potential return of more than \$2.90 per \$1 invested
Criminal Justice Support Network (NSW) ¹⁴⁴	Support for people with an intellectual disability who are in contact with the criminal justice system in NSW	\$2.50 returned to the economy per \$1 invested
Fairbridge Bindjareb Project (WA) ¹⁴⁵	Training, employment and cultural development for people in custody	\$2.45 returned to the economy per \$1 invested
Neighbourhood Justice Centre (Vic) ¹⁴⁶	Place-based community hub connecting young people committing low-level offences with local services	\$1.70 returned to the economy per \$1 invested
Community Restorative Centre (NSW) ¹⁴⁷	Intensive case-work, post-release support and diversionary programs	Direct saving to government of \$16 million over 3 years.

Big hART's work in Roebourne has cost less than \$1.5 million per year, averaged over the last decade. This figure encompasses community and cultural development that contributes to primary prevention, as well as targeted juvenile justice diversion programs. The project has primarily been funded through grants, philanthropy and corporate partnerships.

As noted above, Roebourne has observed a 28.5% drop in overall offending since 2019. Comparable figures on youth offending are not available publicly, however it is likely that the project has contributed to a similar drop in youth offending and a substantial saving to the government and taxpayers.¹⁴⁸

Given that it costs on average \$2,720 per day to hold a child in detention,¹⁴⁹ and the average stay in detention is 73 days:¹⁵⁰

- Diverting a single child away from detention would save the taxpayer almost \$200,000 per year
- Diverting 8 young people away from detention would save almost \$1.6 million
- Diverting 20 young people away from detention would save almost \$4 million.

Based on this, if Big hART's work with the community in Roebourne contributes to the diversion of just 8 young people away from detention per year, the program would pay for itself.

Similar community-led prevention and diversion programs could be implemented to scale across rural and remote communities. If a similar reduction as observed in Roebourne could be replicated in youth offending rates it would lead to substantial savings to government:¹⁵¹

- A reduction in youth incarceration of 28.5% nationally would save an estimated \$232.6 million per year
- A reduction in youth incarceration of 28.5% in regional and remote areas would save an estimated \$91.6 million
- A reduction in youth incarceration of 28.5% among First Nations young people in regional and remote areas would save an estimated \$77.6 million.

CONCLUSION

The evidence is clear that current responses to offending behaviours among First Nations young people are failing. The overall crime rate in Australia has fallen substantially since 1990, yet rates of incarceration remain at historic highs.¹⁵²

The urgency of a change in approach is underlined by recent policy change by the Queensland Labor government allowing for children to be detained indefinitely in adult detention facilities, in contravention of its own human rights legislation.¹⁵³ This action demonstrates the political power that punitive responses to childhood offending still wield in the Australian political landscape, despite strong evidence about their ineffectiveness and high cost.¹⁵⁴

Complex social problems cannot be solved with simplistic solutions. No one policy, program or legislative change is going to end the over-incarceration of First Nations young people in rural and regional Australia. Barriers need to be addressed at the individual, relational, community and national levels.

Thought leadership emerging from Roebourne over the last 13 years demonstrates how improving connection to culture, Country and community plays a vital role in supporting First Nations young people to stay out of the justice system.

Creative programs focusing on strengthening connection to culture and community have been shown to contribute to both primary prevention and diversion and the individual and community levels. They foster stronger intergenerational relationships, facilitate the transfer of cultural knowledge and improve individual and collective wellbeing.

The multi-generational disempowerment, disadvantage and disconnection that many First Nations communities face funnel young people towards offending behaviours. Culturally safe, community-led, place-based programs that use music and art for prevention and diversion can help empower communities as they seek to break these cycles.

By focusing on meeting unmet needs, including disconnection from community and culture, community-led, place-based culturally safe art and music programs have a strong role to play in bolstering protective factors against justice involvement for Indigenous young people in regional communities.



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