

Value of a justice reinvestment approach to criminal justice in Australia

As an Aboriginal man and having spent close to 12 years in custody since the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) I believe I have the life experience to put forward a position paper to the Senate Legal and Constitutional Affairs Committee as part of the 'Value of a justice reinvestment approach to criminal justice in Australia' inquiry and report.

This paper will demonstrate a unique insight and perspective while employing a heightened sense of Indigenous, cultural, spiritual, community and environmental responsibility. It will also provide an experienced based perspective and analysis that is a vital attribute and a foundational resource and this will service to benefit the information and knowledge within the policy environment, providing opportunities to develop a deep understanding of the 'real' underlying issues that contribute to the over-representation of the Aboriginal prison population. It will also identify ways in which community organisations can improve service provision and already established justice support services with the means at their disposable, rather than pointing the blame elsewhere to influence and campaign the diversion of more money away from the criminal justice system.

Increased investment will only serve at this point in time, an add-on to existing services that are already a complex and confusing web of services that could be doing more to prevent the over-representation of Aboriginal people in the justice system. Hardly ever do we hear about or acknowledge the many initiatives funded by government that have improved outcomes and increased opportunities for Aboriginal people, but we do hear only too often about the identified 'issues' and we continue to hear about the tragic circumstances around Aboriginal deaths in custody, more than twenty years after the RCIADIC. Possibly the reinvestment in the RCIADIC made over twenty years ago needs to be re-visited and continued commitment into the implementation of the recommendations made. Many of the answers can be found in this report and await implementation.

As a direct result of RCIADIC there have been tremendous advances made and increase participation overall for Aboriginal people in the working sector. No-one can dispute that communities have prospered or that governments have made significant contributions towards improving justice outcomes. If our leaders and grassroots lobbyists are serious about addressing Indigenous disadvantage they must first address one of the biggest areas - inequality of Indigenous communities. This inequality is without a doubt one of the main contributing factors when it comes to over representation. Although a lot of positive change has resulted since the RCIADIC, inequality within Indigenous communities has not changed. There is still a divide between the predominant families and networks with power and control and those that make up the numbers within the justice system. Nepotism, discrimination and lateral violence are the very threads that keep those statistics shameful. Homelessness, substance abuse and mental illness for many years have been described as the

underlying factors, however these issues are mere symptoms of the true multi-dimensional core issues.

For too long now the finger of blame has been pointed outward suggesting horrid statistics national political issues rather than symptoms of inequality and injustices within Indigenous communities and organisations. One of sad reality is that many of Indigenous people within the justice system have identified feeling more part of the institutional family rather than their own. Almost every single person in the system shares the same stories of inequality, nepotism, discrimination and lateral violence while describing a real sense of hopelessness and despair when discussing resources in the communities which they feel have failed them.

Community engagement is extremely minimal within the system yet it seems apparent that when there is another tragedy it is the community that steps in to twist the facts that only include factors that serve to suit their theories about what has gone wrong. When governments take action, the community is up in arms about the lack of consultation however not once in the many years I have been in prison have I been consulted about service options or asked in what ways I believe outcomes could be improved. I am not disputing there are still many inequalities within the system however, the experience of injustice and inequality becomes a more painful and spiritually crushing experience when we do have people in these positions to protect us from these influences, yet the commitment and responsibility of these jobs and positions are not taken seriously enough and leaves Aboriginal people to flounder in the system without the right supports, often ending tragically.

An example related to my current predicament. In 2000 I was sentenced to ten years prison with a minimum of eight years. Released in 2008 with two years parole period. My order was breached in 2009 in relation to an out of jurisdictional matter and a warrant issued for my arrest in Victoria. This time I was living in New South Wales awaiting parole transfer to New South Wales. I spoke with the Victorian Adult Parole Board (the Board) employee, [redacted] and also attempted to speak with [redacted], the Indigenous Elder (also a member of the Board). Having no response from [redacted] I continued to correspond via email with [redacted]. Informing him that the interstate charges were going to court and they would likely be dismissed, he confirmed via email that if I could show that by way of dismissal he would then remove the arrest warrant. Early 2009 the charges were withdrawn. I informed [redacted] of this and he advised that the warrant would be removed. Believing the order was corrected I went about my business. In 2011 almost a year after my order expired I was breached (in Victoria) in relation to the withdrawn charges as [redacted] failed to remove the warrant. I spent three months in custody and upon release was given another 23 months parole with conditions that created extreme hardship. I had previously accepted to present my business model on 'Transition' at the 2011 Men's Health Conference in Western Australia, however the Board prevented me from attending as their main concern in their words was 'if the paper had reported that an armed robber

flies across the country', it would look bad on them. Further to business ventures in place I had a job as Student Support Office at the Institute of Process Psychology and had to resign from the position as the Board did not want me travelling inter-state, as the job required from time to time. I explained to the Board that this was my livelihood and one of the main strategies I had in place to assist me through the transition and in addition was something that was providing a sense of purpose in life.

During this same period my niece and my brother passed away through chronic illnesses and was not able to attend the funerals as the funerals were in NSW. Experiencing these great losses in my life, I was never given a chance to grieve. It left me feeling extremely hard done by as I had lost work opportunities, felt I had let students down that I was supporting and was denied an opportunity to grieve the loss of family members, denying me my spiritual, social and emotional wellbeing and cultural responsibilities.

Given that during the early stages of parole the transition plan I put forward involved travelling and giving back to the wider community where I used my life experiences to forge a better future not only for myself but, for others. The decisions of the Board and the their treatment, was crushing on my spirit. As a result of multiple losses and instability I became extremely depressed where I was contemplating suicide. I made my Community Corrections worker aware of my state of mind and requested on numerous occasions to see the Board to no avail.

From 2008 to 2011 I spent this time giving back to the community. Now with a extremely strong pull to complete my own healing journey my hope was to return to my Country and meet my biological siblings for the very first time. On requesting this through Community Corrections worker my needs were not to be met, my needs went unheard. Being an Aboriginal person and having very strong cultural beliefs I 'had' to return to South Australia to meet my family, which now looking back I believe was a life saving decision. Once I completed my business there and re-united with family I return back to Victoria to sort out my parole.

Now I am in custody again and already served three months of my parole period, in addition to three months served in 2011 and eighteen months on parole in the community without any breach imposed. In addition to the accumulated two years (24 months) I am now serving an additional eighteen months for the same parole period. Legislation provides that time be given as street time especially when a person is making good progress while on parole. However I have been denied this. The initial two-year parole period judge imposed, has now become four years.

It is since been involved with the justice system again and the oppressive inhumane treatment my life started to spiral downwards, while our Indigenous representative on the Board was present to ensure these rights were upheld and Indigenous people are treated in a just and human

manner with equal access to justice services and supports. Issues that are identified as examples used by leaders and grass roots lobbyists are issues that may have been avoided if we had a strong caring community. For example one of the stories used by Mick Gooda specifically, he used driving offences as an example citing some locations were too remote and where there was no public transport. Hence, people without licenses were stuck between a rock and a hard place still needing to travel for court and medical treatment etc. He goes on to describe this as discrimination and describes the unfortunate death of Mr Ward. Mr Gooda asks why Mr Ward was in the van in the first place, looking to point the finger of blame. I would like to know how a worker from the many organisations created was not at the prison to collect Mr Ward and drive him home in one of their flash, air-conditioned work vehicles. Why are our brothers and sisters not supported appropriately by the very workers and support people with these very responsibilities from organisations that are mandated to provide pre and post release support. These services are not being utilised to their full capacity or not accessed at all. Instead of campaigning for more services more could be done by the social and emotional workforce and related networks. Targeted coordination amongst networks and case management in partnership with key stakeholders and communities could find ways to implement culturally sensitive holistic, person -entered practices with the resources they already have at their disposal.

Rather than continuing with the distinctive hand out approach to receive more resources its time for those that have been receiving to turn around and have their hand out to give within their own communities. No one can contribute more to improving justice outcomes than a community could. Its time to deal with the issues rather than the symptoms such as substance abuse, homelessness and violence which within some Indigenous communities stems from psychosocial disempowerment which is a result of community lateral violence, discrimination and nepotism. If increased financial investment has to go anywhere it needs to go toward evaluating and or investigating how and why the organisations mandated to provide the service and support are not. Until such time community organisations are held accountable there will not be an improvement for Aboriginal people within the justice system. If the wider Aboriginal community were as accepting as the prison communities are amongst their own people, you may just see some realistic change in over-representation of Aboriginal people in the justice system.

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