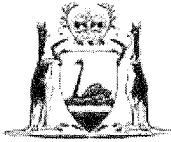


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Our ref: PARL1001

14 December 2009

Ms Anna Dacre
Committee Secretary
Standing Committee on Aboriginal and Torres Strait Islander Affairs

By email: atsia.reps@aph.gov.au

Dear Ms Dacre

I refer to your call for submissions relating to the Committee's inquiry into the high levels of involvement of indigenous juveniles and young adults in the criminal justice system.

The limited time available for the presentation of such submissions does not enable me to prepare a specific submission for your inquiry, given my other commitments.

However, I am attaching a number of papers I have delivered which provide a representation of my views on a number of topics associated with your terms of reference. The papers are attached:

- (a) *Corrective Services for Indigenous Offenders - Stopping the Revolving Door;*
- (b) *Drugs, Pipe Dreams and Hard Realities: addressing substance abuse through the justice system;*
- (c) *Popular Punitivism - The Role of the Courts in the Development of Criminal Justice Policies.*

I would also respectfully refer the Committee to the report of the Auditor General of Western Australia - *"The Juvenile Justice System: Dealing with Young People Under the Young Offenders Act 1994 (2008)"* (available from the Auditor General's website).

I would also respectfully draw your attention to a number of speeches that have been delivered by Commissioner Tom Calma, the Aboriginal and Torres Strait Islander Social Justice Commissioner, including his recent speech *"Investing in Indigenous Youth and Communities to Prevent Crime"* at the recent Indigenous Young People Crime and Justice Conference.

I would also refer you to a national research project currently under way funded by the Australasian Institute of Judicial Administration on *"Accessibility and Efficacy of Programmes for the Assistance of Adult Indigenous Offenders"*.

You will see from the papers I have enclosed (which are simply a representation of the many papers I have delivered on these topics since my appointment in 2006) that I regard the over-representation of Aboriginal people in the criminal justice system in the State of Western Australia as the biggest single issue confronting that justice system. Juveniles and young adults are, of course, a significant feature of that over-representation. Your Committee will no doubt be aware that Western Australia has by far the highest rate of indigenous incarceration in Australia, assessed in rates per head of indigenous population. Tragically, despite the adoption of policies that have been intended to reduce those rates, and the expenditure of significant amounts of public funds in this area, the rates are steadily worsening.

It seems to me that these rates provide a barometer of the impact of disadvantage and dysfunction within Aboriginal communities. I do not advance that proposition for the purpose of attempting to shift responsibility away from the criminal justice system. On the contrary, it seems to me that the intersection of indigenous people with the criminal justice system should be seen as an opportunity for beneficial intervention. But once an indigenous person has become involved in the criminal justice system, opportunities for effective beneficial

intervention are limited. It therefore seems to me that unless and until there is greater success in addressing the many facets of indigenous disadvantage, such as low rates of participation in education, low rates of participation in employment, poor health, both mental and physical, poor housing and chronic over-crowding, substance abuse, social and cultural dislocation, and so on, the general pattern of indigenous over-representation in the criminal justice system is unlikely to change significantly.

I would, of course, be pleased to provide any further information or comment on specific issues at the request of the Committee.

Yours sincerely

The Hon Wayne Martin
Chief Justice of Western Australia

