

Aboriginal and Torres Strait Islander Affairs Committee

Report

Dr STONE (Murray) (10.30 am)—I am the Deputy Chair of the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs and I continue the remarks made by the member for Blair, the chair of this committee, who explained very well the importance of this inquiry into the welfare of Aboriginal juveniles in the criminal justice system.

The committee is continuing the business started in the 42nd Parliament by this same committee. We are focusing on identifying how to better prevent or at least significantly reduce the levels of offending and its consequences, especially the imprisonment of Indigenous juveniles and young adults in Australia's criminal justice system.

It is a fact that high incarceration rates for Indigenous people are a global trend. Data collected by the inquiry shows that Australia is in the most appalling situation where despite the Indigenous population representing only two per cent of the Australian population they represent 25 per cent of the prison population. Indigenous juveniles are 28 times more likely to be in detention than non-Indigenous juveniles. On most days Indigenous youth are half the detainee population across the country. Indigenous young adults are 15 times more likely to be in prison than non-Indigenous young adults and more and more young Indigenous women are also being detained. Recidivism is much more likely for Indigenous adults. Indigenous Australians are more likely to be found in remand and in fact rates of remand for Indigenous Australians increased by over 70 per cent between 1984 and 2007. The numbers of Indigenous men and women in prisons also increased at a rate far higher than for non-Indigenous Australians. This, quite clearly, is not a situation that can be tolerated by any government, and I am pleased to say this is a totally bilaterally supported inquiry.

Offending and its consequences are the outcome of generations of poverty and disadvantage for most Indigenous youth. They represent an enormous human cost in lost opportunity and human potential. Escalating rates of offending against law and order leave communities fearful and under siege, with a prevailing and growing sense of hopelessness. There is also the significant financial cost of keeping people in prisons who might otherwise be living fulfilled and productive lives.

Our inquiry found that to understand the offending against state and territory laws you also need to take into consideration the extremely low levels of basic education, poor health, high rates of hearing impairment, appalling housing and overcrowding or homelessness, lack of employment, poor parenting skills and the quality of relationships between the Indigenous community and police. Some of those relationships are very good, as the committee chair stated. The relationship between low levels of education and employment and imprisonment are well established.

While tobacco smoking and drug and alcohol abuse have recently been given some attention due to their long term harmful effects on Indigenous communities, middle ear infections that lead to the extraordinarily high levels of Indigenous hearing loss receive far less attention. Obviously a child who cannot hear is at a great disadvantage in school or in any other social interaction. This hearing loss is preventable with early treatment of recurrent middle ear infections, and we heard much about that in our evidence.

As well, the first prevalence studies of fetal alcohol spectrum disorder, FASD, in Western Australian Indigenous communities have estimated that more than 50 per cent of children in some communities have permanent intellectual and physical consequences from their mothers having consumed alcohol during pregnancy. International studies have shown that some 60 per cent of people with FASD end up in trouble with the law. This is a tragic outcome of what is another totally preventable disability. Yet, in Australia, we still do not pay attention to the need for better information for all pregnant women about the dangers of alcohol consumption and for pregnant women with alcohol dependency. They are not receiving much support.

We took expert evidence about the incidence of FASD in the Australian community—in particular, at the Sydney forum which our committee chair referred to—and we commend those now working with the Indigenous communities on this problem. And bear in mind that it is not just an indigenous issue. We have also received much advice and information about diversionary programs, including mentoring and community based programs aimed at overcoming the family dysfunction and lack of educational opportunities in some communities.

Studies have shown that young Indigenous people are particularly vulnerable to becoming trapped in a cycle of contact with the criminal justice system. This contact includes juvenile convictions compounded by, and compounding, limited education and employment poor accommodation, As well, a person's Indigenous status compounds their economic and social disadvantage.

The amount of Indigenous incarceration in Australia today is a great tragedy. The committee is reviewing both international and national best practice. We will soon be going to New Zealand to see what success they have had. We cannot and will not turn a blind eye to the rising rates of detention and remand in Australia and our committee will frame important recommendations.