

## **MEDIA RELEASE**

### **Continued Federal Government inaction on over-imprisonment recommendations is devastating Aboriginal and Torres Strait Islander communities**

***Tuesday 18 September 2018***

***For immediate release***

A chorus of Aboriginal and Torres Strait Islander leaders, communities and organisations have called on the Federal Government to provide a formal response to the recommendations contained in the Australian Law Reform Commission's *Pathways to Justice* report.

In an open letter penned to the Prime Minister and the Minister for Indigenous Affairs, 35 leading community organisations and academics working in the justice reinvestment space have lamented the Federal Government's continued inaction on the report's key recommendation.

"It has now been nearly six months since the ALRC report was tabled in Parliament," the letter states. However, to date the Federal Government has made no formal response.

The open letter identifies that during the last six month period, more than 5,000 Aboriginal and Torres Strait Islander men, women and children have spent time in prisons around the country, causing a significant negative impact on Aboriginal and Torres Strait Islander families and communities around the country.

The call for Federal Government action has been initiated by leading Aboriginal and Torres Strait Islander, human rights and community organisations working on the ground to achieve safer and stronger communities. "Unfair justice systems are failing to build the safer, stronger communities all Australians want," the letter states.

"We cannot let another generation of Aboriginal and Torres Strait Islander people lose their futures, their dignity, and, for some, their lives, because of inaction by Australian governments," the letter concludes.

The *Pathways to Justice* report was released following detailed consultation and research led by the Australian Law Reform Commission. It contains 35 recommendations to reduce the over-representation of Aboriginal and Torres Strait Islander peoples in the criminal justice system and to address community safety. Specific recommendations made to the Federal Government include:

- the establishment of a national justice reinvestment body and supporting justice reinvestment trials around the country; and
- developing national criminal justice targets.

When announcing the inquiry in October 2016, then Attorney-General George Brandis QC labelled the over-representation of Aboriginal and Torres Strait Islander peoples in our prisons a "national tragedy" and stated that the ALRC inquiry would be a "critical step" for breaking through the disturbing statistics.

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**Quotes attributable to Professor Tom Calma, Just Reinvest NSW Champion:**

“Ever since the Royal Commission into Aboriginal Deaths in Custody over 25 years ago, we have seen numerous inquiries and reports that identify what government needs to do to address this national tragedy. The Federal Government has the answers it needs. We are well overdue for action.”

“Supporting evidence-based approaches in communities like justice reinvestment are vital to create better health and well-being outcomes for our people and to make our communities safe. We should be building communities, not prisons.”

“The current Closing the Gap ‘Refresh’ provides the perfect opportunity for the Federal Government to implement these recommendations by including a national target to reduce imprisonment and supporting the development of justice reinvestment initiatives, in more Aboriginal and Torres Strait Islander communities.”

**Quotes attributable to Damian Griffis, Co-Chair of the Change the Record coalition:**

"Every dollar government spends on prisons is one less dollar than can be spent on schools, hospitals and community services that Aboriginal and Torres Strait Islander people desperately need. We need the Federal Government to show leadership and support community-led initiatives like justice reinvestment that we have already seen work for our people."

"Prisons don't make our communities safer. They cause further damage to already disadvantaged people. We need more support for initiatives like justice reinvestment that address the underlying causes of Aboriginal and Torres Strait Islander people being locked in prisons."

**Quotes attributable to Cheryl Axleby, Co-Chair of the National Aboriginal and Torres Strait Islander Legal Services:**

“We call on the Federal Government to implement the ALRC Report which highlighted the need for Justice Reinvestment as a holistic approach, including the importance of wrap-around legal support and justice reinvestment initiatives such as co-locating disability workers.”

“The Federal Government must drive national change by establishing an independent national Justice Reinvestment body. This must be led by Aboriginal and Torres Strait Islander communities for self-determination and long term success. We agree with the ALRC that these holistic approaches are critical to pulling people out of the quicksand of the justice system and to leading healthy, happy lives.”

“The NATSILS are calling for the Federal Government to urgently implement national justice targets as part of the Closing the Gap framework that will get accountability for real change. We want all Governments to work with Aboriginal and Torres Strait Islander people to immediately address the root causes and the consequences of the criminalisation of Aboriginal and Torres Strait Islander people.”

**Quotes attributable to Alistair Ferguson, Executive Director, Maranguka Justice Reinvestment Project in Bourke:**

“Every day here in Bourke we see the benefits that the Maranguka Justice Reinvestment initiative has for our community, and in particular our young people. Justice reinvestment enables us to make decisions about what we need in our community. In partnership with Just Reinvest NSW it creates collaboration, it builds our strength and confidence, causes better health and well-being outcomes, and has made all stakeholders more action and outcome focused.

“Our experience in Bourke through the Maranguka Justice Reinvestment initiative demonstrates that governments should be getting behind Justice Reinvestment initiatives in other communities.”

***For media enquiries please contact Joanna Lunzer on 0422 351 084***

## Open Letter: Call for Federal Government response to ALRC's Pathways to Justice report

Dear Prime Minister and Minister Scullion

As community organisations working in the justice sector, we call on the Federal Government to provide its formal response to the recommendations contained in the Australian Law Reform Commission's *Pathways to Justice* report as a matter of urgency.

The ALRC report was tabled in Federal Parliament on 28 March 2018. At the time, the Minister for Social Services, Dan Tehan, said that "The Government will consider the report's relevant recommendations and respond in due course."

It has now been nearly six months since the ALRC report was tabled in Parliament, and nine months since it was provided to the Federal Government. To date, the Federal Government has made no formal response.

In the last six months since the report was tabled, more than 5,000 Aboriginal and Torres Strait Islander men, women and children have been in prisons around the country,<sup>1</sup> impacting not only those individuals but their families and communities as well. The Australian Institute of Criminology has since reported that the number of deaths of Aboriginal and Torres Strait Islander people in custody has increased to the highest it has been since 1979-80.

Unfair justice systems are failing to build the safer, stronger communities all Australians want.

The *Pathways to Justice* report provides a clear direction towards fairer justice systems around the country. There are a number of specific recommendations for concrete actions that the Federal Government can take to reduce the over-representation of Aboriginal and Torres Strait Islander peoples in the criminal justice system. These include:

- the establishment of a national justice reinvestment body and supporting justice reinvestment trials around the country; and
- developing national criminal justice targets.

As leading Aboriginal and Torres Strait Islander, human rights and community organisations working on the ground to achieve safer and stronger communities, we call on the Federal Government to confirm its support for these recommendations as soon as possible.

Over a generation ago, the Royal Commission into Aboriginal Deaths in Custody provided a blueprint for reducing the number of Aboriginal and Torres Strait Islander people coming into contact with the criminal justice system. Yet, the vast majority of these recommendations have never been implemented. We cannot let another generation of Aboriginal and Torres Strait Islander people lose their futures, their dignity, and, for some, their lives, because of inaction by Australian governments.

The *Pathways to Justice* report recommendations must be actioned as a national priority.

Please contact Joanna Lunzer by email at [jo@justreinvest.org.au](mailto:jo@justreinvest.org.au) to respond to this letter.

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<sup>1</sup> Figure extrapolated from Australian Bureau of Statistics data that there were 10,596 Aboriginal and Torres Strait Islander people in the national prison population in 2016.

***This open letter is endorsed by the following organisations and individuals:***

Professor Tom Calma, Human Rights and Social Justice Advocate  
Aboriginal Education Council (NSW)  
Aboriginal Legal Service (NSW/ACT)  
Amnesty International Australia  
ANTaR  
Australian Council of Social Service  
Australian Justice Reinvestment Project, UNSW Sydney  
Australian Youth Affairs Coalition  
Centre for Law and Justice, Charles Sturt University  
Change the Record  
Community Legal Centres NSW  
Human Rights Law Centre  
Indigenous Justice and Exoneration Project, supported by Deakin Law Clinic  
Jesuit Social Services  
Julie Stubbs & Luke McNamara, Co-Directors, Centre for Crime, Law and Justice, UNSW Sydney  
Just Reinvest NSW  
Katherine Youth Justice Reinvestment Group, NT  
Kinchela Boys Home Aboriginal Corporation  
Kingsford Legal Centre  
Law Council of Australia  
Liberty Victoria  
National Aboriginal and Torres Strait Islander Legal Services  
National Association of Community Legal Centres  
National Family Violence Prevention Legal Services  
Network of Alcohol and other Drugs Agencies  
Northern Territory Council of Social Service  
Oxfam Australia  
Professor Chris Cunneen  
Public Interest Advocacy Centre  
Mr Robert Tickner  
Save the Children  
Show Me The Way  
SNAICC – National Voice for our Children  
TEAR Australia  
UNICEF Australia  
Weave Youth and Community Services  
Youth Action