

Closing the Gap prison reduction targets show 'disappointing lack of ambition', lawyers say

Target of just 15% reduction in incarceration for Indigenous adults comes days after Council of Attorneys-General decided not to raise age of criminal responsibility from 10 to 14



Thousands gather at a rally supporting the Black Lives Matter movement in Sydney on 5 July. The new Closing the Gap agreement has set a target aiming for a 15% reduction in Indigenous adults in prison. Photograph: Rick Rycroft/AP

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National Aboriginal legal services say justice targets set by state, federal and territory governments in the new Closing the Gap agreement show a “disappointing lack of ambition”, while senior Labor figures have asked where the funding will come from to achieve the targets.

The National Aboriginal and Torres Strait Islander Legal Services (Natsils) said the target aiming for a 15% reduction in incarceration for adults is “not acceptable”.

“Governments can end the over-incarceration of Aboriginal and Torres Strait Islander adults and children within 10 years if they choose to,” the co-chair of Natsils, Nerita Waight, said.

“The solutions from countless inquiries and royal commissions are clear – now we need strong political commitments with sufficient public funding to match.”

Questions have also been asked about where the funding will come from, to enable Aboriginal organisations to fully participate and meet their commitments.

The former prime minister Kevin Rudd, who said he was “proud” that his Labor government devised the first Closing the Gap strategy, said he welcomed efforts by Australia’s Indigenous leadership, the commonwealth and the states to renew those targets.

“But here’s the problem: Abbott, Turnbull and Morrison withdrew half a billion dollars in funding from delivery of the first set of targets. It’s therefore important to ask: what is their funding commitment for the new set of targets?”

Labor’s Indigenous caucus of Linda Burney, Malarndirri McCarthy, Patrick Dodson and Warren Snowdon said the success of the “enormous task ahead” requires leadership, action and funding” from the prime minister and the government.

“Bipartisanship cannot be a race to the bottom,” they said in a joint statement.

NATSILS Co-chair Nerita Waight said the organisation is “deeply distressed” that the justice targets come with the news of the third Aboriginal death in custody in Western Australia in two months.

“If the past 30 years are anything to go by, we are looking at the potential of 1,100 more black deaths in custody by the governments’ 2093 parity date,” Natsils co-chair Cheryl Axleby said.

“This is unacceptable and shows governments’ complete disregard for the lives of Aboriginal and Torres Strait Islander people.”

Axleby said it is a further blow to progress on justice reforms, after Monday’s decision by the federal Council of Attorneys-General decision not to raise the age of criminal responsibility from 10 to 14 years.

The New South Wales attorney-general, Mark Speakman, said any decision had been deferred to 2021 to allow for more work to be done on examining alternatives to imprisonment.

“This is a matter of political will. If Australian governments had decided on Monday to raise the age of criminal responsibility to at least 14 years, this would have immediately reduced the over-incarceration of our children,” Axleby said.

Raising the age from 10 to 14 would have reduced the over-incarceration of Aboriginal children by at least 17% , she said.

The new agreement released on Thursday is the culmination of months of negotiation between Aboriginal peak organisations and governments. The prime minister, Scott Morrison, said it is “built on mutual trust, shared responsibility, dignity and respect” and is the first time governments have negotiated directly with Aboriginal and Torres Strait Islander representatives.

Four priority reforms and 16 socioeconomic targets commit federal, state and territory governments to work in partnership with Aboriginal organisations to design and deliver on priority areas such as housing, early childhood and justice.

The Coalition of Peaks is an alliance of more than 50 Aboriginal and Islander community-controlled peak organisations, representing thousands of Aboriginal and Islander health, housing, education, justice and cultural groups.

The Coalition of Peaks lead convenor, Pat Turner, said the four priority reforms are “the real game-changer”.

“Targets alone don’t drive change,” Turner said, “whereas the priority reforms do.

“Priority reform one is to have formal partnerships and shared decision-making between us and governments at every level, because if you have Aboriginal people involved in influencing the policy, influencing the program response, devising the best way to achieve the objective and if governments take on board that expertise and experience and local knowledge, they will get a better outcome,” Turner said.

A spokesperson for the Minister for Indigenous Australians, Ken Wyatt, said the agreement does have “ambitious” targets for youth detention and adult incarceration, but “parties have agreed we need to do more”.

“Justice will be a priority area for joined up action across all jurisdictions,” the spokesperson said. “These will identify opportunities to work more effectively across governments, reduce gaps and duplication, and improve outcomes under Closing the Gap.

Natsils acknowledged the agreement “does not include everything that the Coalition of Peaks wanted” but said governments have been “pushed in their commitments to our people” because the Coalition has been at the negotiating table.