

***Jailing is still failing 30 years later: why this former Aboriginal affairs minister is furious***



*Thirty years after the royal commission, the proportion of Indigenous people in Australian jails has doubled from the Indigenous prison population has doubled from 14.4 to 29 per cent.*

By Robert Tickner  
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Thirty years ago to the day, as Aboriginal affairs minister in the Hawke government, I presented the report of the Royal Commission into Aboriginal Deaths in Custody to the national Parliament. I said then that it stood as an indictment of how our legal and corrective services system operated in respect of the most disadvantaged group in Australian society, and as an indictment of our society itself in allowing this terrible situation to develop and persist.

While the world has changed in many ways since 1991, it angers and pains me deeply that governments around the country have failed to progress the most fundamental recommendation of the royal commission – that imprisonment should be a last resort.

This recommendation was adopted by every state and territory government from all political persuasions, in the face of incontestable evidence that jailing was failing Aboriginal people. They were and remain the most incarcerated people on Earth.

Thirty years on, the proportion of Indigenous people in Australian prisons has doubled from 14.4 per cent to 29 per cent. And far from reducing the overall numbers of people in our prisons, governments on both sides of politics have continued with archaic policies which ignore the overwhelming evidence that jailing is failing our society.

As a result, our prisons are at bursting point. The Australian imprisonment rate has more than tripled, from 66 per 100,000 of the adult population in 1985 to 202 per 100,000 last year, costing taxpayers billions of dollars each year and trending up to be one of the highest in the OECD.

Incarceration entrenches the cycle of disadvantage. The vast majority of people who enter our prisons come from circumstances of unemployment, social disadvantage, family breakdown, homelessness and poor health, including mental health.

In the case of Aboriginal people, this disadvantage is compounded by marginalisation and dispossession.

It was these and other “underlying issues” which were identified by the royal commission as the root cause of the over-representation of Aboriginal people in jail and their consequent tragically high numbers of unnecessary deaths in custody. My heart goes out to the Aboriginal families who have suffered these losses of loved ones, sometimes in the most horrific of circumstances, as the royal commission showed us.

The evidence shows that most people in prisons would be better supported outside of them, with real investments in services and critical support infrastructure to slash the risk of reoffending, including educational and employment opportunities to help turn lives around. This is particularly important for children and young Aboriginal people, for whom the first contact with the criminal justice system is far too often a passport into a life spent in and out of prisons.



*Robert Tickner, as Aboriginal Affairs minister three decades ago, on the day he tabled the report of the Royal Commission into Aboriginal Deaths in Custody. He stands before Indigenous artist Tex Skuthorpe's work My Vision, a symbol of hope for the coming together of black and white Australians.*

My friend and ministerial successor Ken Wyatt has rightly called for greater investment in diversion and I back him all the way. “All the evidence is there that it is better to break the cycle of recidivism so these kids don’t end up in adult prison,” he said recently. “What I want to see this nation do is to look at the rates of incarceration and consider each individual on merit for diversion programs ... they have been an effective way of keeping young people out of incarceration and ending up in that pattern of recidivism.”

I wholeheartedly agree. However, there have been enough words by our national political leaders. We need Australian government co-operative leadership on these challenges.

This is not just a message to one side of politics but very pointedly to both. This is one area of public policy where Scott Morrison and Anthony Albanese should be working together, setting party politics aside and getting all our state and territory government leaders in the tent with Aboriginal leaders at their side to progress reforms under the closing-the-gap initiative.

The imperative for change has driven the establishment of the Justice Reform Initiative, a multi-partisan alliance which has banded together to present the strong evidence-based case for reform to governments. We also strongly support the leadership role of the Aboriginal-led advocacy organisation Change the Record.

Our founding group includes former governors-general Dame Quentin Bryce and Sir William Deane, former judges and magistrates, police commissioners, corrective service commissioners, Aboriginal leaders and others who have longstanding experience and knowledge of our failing criminal justice system.

One of our national patrons is Aboriginal leader Pat Turner, who was absolutely right in her call last week for governments to stop buck-passing on Indigenous over-representation in the prison system. As she said: “We have the solutions but we need to get on with it.”

When the royal commission was released in 1991, it seemed a watershed moment for us as a nation – a spotlight on the appalling treatment of Australia’s First Peoples and the situation which led them to be disproportionately represented in our prisons. It is to our great shame that, 30 years later, we have progressed so little. Instead, Australia has become an international outlier in its approach to criminal justice.

We cannot wait another 30 years for real change. Our leaders of all political persuasions need to come together and stop the enormous cost being wrought by our over-reliance on imprisonment – the economic cost, the cost to families, the cost to younger generations robbed of their human potential.

**Robert Tickner is Australia’s longest serving minister for Aboriginal and Torres Strait Islander affairs and is the chair of the Justice Reform Initiative.**