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**E&OE TRANSCRIPT
RADIO INTERVIEW
RN BREAKFAST
THURSDAY, 29 MARCH 2018**

SUBJECTS: ALRC Report into Incarceration of Aboriginal and Torres Strait Islander People; Indigenous Child Protection

FRAN KELLY: The Federal Government have been handed a blueprint... another blueprint to tackle the shamefully high rates of Indigenous incarceration in this country. The Pathways to Justice by the Australian Law Reform Commission makes more than 30 recommendations, one of them an end to mandatory sentencing. It also recommends the introduction of a justice reinvestment program where part of the four-billion-dollar cost of keeping Aboriginal people in prison would be redirected to early intervention programs to try to stop people getting into trouble and being put in prison in the first place. This road map comes twenty-seven years after the Royal Commission into Aboriginal Deaths in Custody handed down its report. Patrick Dodson was one those commissioners, these days he's a Labor front bencher and he joins me now in our Parliament House studio. Patrick Dodson welcome back to Breakfast.

DODSON: Thank you Fran, thank you very much.

FRAN KELLY: When the Royal Commission that you were a part of Patrick reported back in 1991 an Aboriginal Person was 7 times more likely to be in prison than a non Indigenous person. Today an Indigenous male is 15 times more likely to be in prison and an Indigenous female 21 times more, so we know the problem, the challenge is changing this. Does this latest blueprint offer some of the answers?

DODSON: Well it clearly does and its been identified by Law Council and the Aboriginal Legal Services across the country, they demand that action is taken by the

Governments to look at the criminal justice system as it operates and how it impacts on First Nations people. They have come up with some very important recommendations. They are all significant but the question of mandatory sentencing is something that the jurisdictions have got to take on board and repeal those matters and give judges an opportunity to be constructive if they're going to implement some of the other recommendations about dealing with community participation and cultural participation in the way courts operate as we have seen in the Parramatta situation and other places where there are Koori courts. We need to look at how the system is operating and that goes to fine defaults. The Royal Commission made a recommendation around fine defaults – no one should be in prison for fine defaulting and this report reiterates that, and it does talk as you have said about justice reinvestment. This is about an 8-billion-dollar industry now which is keeping the First Nations people in custody, in prisons and further than that Fran it's impacting women. It is making mothers who are often subjected to domestic violence become the victims of incarceration as well. That obviously has an impact on their children and who looks after their kids when they are taken into custody. This is a real indictment upon us. Those facts around women were not in the Royal Commission into Aboriginal Deaths in Custody because women were not part of the terms of reference at the time. This is a wake up call for the nation and the Governments of the nation to start to do something that is required, like setting justice targets. Again Labor's been calling for justice targets to be part of the Closing the Gap regime. There has to be action now. The talk has finished, this is a brilliant report, it is most constructive, it analyses the impact of the various facets of the criminal justice system and how it impacts on First Nations People.

FRAN KELLY: Ok, lets look at a couple of the recommendations you have brought up there. The justice reinvestment program which would means some of that money, some of that billions of dollars... it is something like 120 thousand dollars per year to keep a person in prison, use some of that money that is spent on imprisonment now, divert it to communities where there is a high concentration of young offenders in particular. Now we have already seen this being trialled in the towns of Bourke for instance in NSW, the Northern Territory too has done a bit of it. Does justice reinvestment work Patrick, does it reduce offending rates and what would it look like?

DODSON: Well I think the report points to the necessity of appointing a commissioner or the setting up of a national entity that can coordinate these activities and promote these activities and in fact demand these activities to move away from how the justice system now operates. I've been out to Bourke and I'm very impressed with the work people are doing out there and the collaboration across the sectors of society and the participation of first Nations people within that and finding solutions. Obviously there are savings to the public sector outlays that go towards incarcerating young people. So as I said this is a magnitude of costs here which is something we have to take account of.

FRAN KELLY: But it's not just the dollars it's the human cost too. If we look at justice reinvestment, just to help everyone listening understand, could that for instance look like something like more concentration on programs to prevent domestic violence so that

not only are we reducing those rates of domestic violence but that the perpetrators aren't committing these acts and ending up in prison. Is that a good example?

DODSON: Well that's a good example. We had a good example here this week. We had a group of women from Alice Springs from the Tangentyere women's group who are going to homes and dealing with domestic violence on a daily basis, trying to deal with the families in those predicaments and they are totally unfunded. Apart from a bit of scraps they get from Centrelink they get nothing! So the reinvestment component of incarcerating people and all the other add-ons that go with taking kids away and removing juveniles into custody, if we invested in prevention. That is what justice reinvestment is about. It's not about asking for more money but using the money that is already allocated in the system to go towards other purposes that are preventative and restorative of peoples' activities.

FRAN KELLY: You're listening to RN Breakfast, it's eighteen minutes to eight. Our guest is Senator Patrick Dodson Shadow Assistant Minister for Indigenous Affairs and Aboriginal and Torres Strait Islanders. You talked there earlier about the high incarceration rates of Indigenous women now and the linking of that. You talked about mothers being being locked up and that goes perhaps in a way many people of us haven't thought about which is the high number of kids, Indigenous children who are in out of home care. This report recommends looking at that because it is undeniable the link between kids in out of home care is almost turning out to be a direct pathway to prison at a later point in life. We have to break that cycle. What is it that is putting Indigenous women in prison at the moment Patrick, what sort of offences that might be able to be tackled?

DODSON: Well, primarily fine default matters and living in poverty, not being able to pay the fine they have been issued for some minor offence. And that causes this ripple out effect to the family, where kids have no one to look after them, or in many cases don't have anyone to look after them, so they end up in the streets and they end up in trouble and if they are babies obviously they are taken into out of home care. So it's not a satisfactory thing. And when you get to remote places with the Government no longer supporting the remote housing program that was in existence for 10 years, that's going to have an impact as well, because we will see overcrowding, we see domestic violence – if there isn't sufficient housing for in remote places this just compounds the issue.

FRAN KELLY: In fact, insufficient housing and crowded housing has been quoted on this program and in other places in recent weeks for part of the reason for the emergency situation that seems to be occurring in and Tennant Creek at the moment. We've had in the last month or two these three cases of sexual assault of little children reported. These tragic cases are ringing alarm bells... are Government's responding quickly enough? Is the nation responding quickly enough?

DODSON: Well in my view, I've been around this for a fair while Fran as you know, but no they are not. The Governments are not responding. These are not priority areas on Government's actions, it's not as if they've got a team of people who are going to work

over this Easter break to actually do something about this. And that's the sort of urgency that we need. I know that everyone's entitled to a holiday. We've got a minister who says we'll respond to this report sometime down the road – well that's not good enough.

FRAN KELLY: So the Government will respond to this report. What about responding to these instances of these little children that have been recently reported, is there enough action going on there? Are Governments State and Federal doing enough about this and doing anything?

DODSON: Well, there's a lot of talk Fran I'm not sure about action. The communities are almost in despair from the lack of action by all Governments and that's a real factor. They've got to listen to the solutions that the First Nations people have got in relation to these matters. As I mentioned to you, these women from Alice Springs who have ideas, who are actually on the streets, going into the homes and doing these things. They have got to be supported to make sure their solutions can be advanced to relieve the situation.

FRAN KELLY: And some will welcome it, perhaps others won't in these communities. Do you think there would be resistance to some of these justice reinvestment measures that we were talking about earlier?

DODSON: I think some of this has really gone beyond the present debate. I think we really have to take stock and men have to take stock of their behaviour as well when it comes to domestic violence. These are critical things for First Nations people as much as they are for Government. But Government is the one with the resources that can assist the good initiatives that many of the First Nations people have got.

FRAN KELLY: Just finally in terms of a general response to the recommendations of this report, some of the things you mentioned there, special courts, special programs... you know there will be some push back I imagine around the principle of equality before the law being upheld, some have already raised the issue... what's your answer to that?

DODSON: Well the report also recommended that there be interpreters. Now that's not equality before the law if you don't understand the proceedings because it's in another language. There's no equality about that. I'm not saying if people commit a crime they shouldn't be brought to the courts but we have got to understand that in many cases there are cultural differences here and there are social circumstances that emanate out of that cultural difference that you have to take on board. And the court and the system have to respond to that and even to the sentencing and rehabilitation systems. We have to find cultural imperatives that work rather than just the punitive systems that we've been constantly meeting out to the First Nations people.

FRAN KELLY: Senator Pat Dodson thank you very much for joining us.

DODSON: Thank you.

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