

MEDIA RELEASE

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Jailing is failing: 30 years on from the Royal Commission into Aboriginal Deaths in Custody

Thirty years ago, the Royal Commission into Aboriginal Deaths in Custody was handed down. Robert Tickner AO, the Aboriginal Affairs Minister in the Hawke government, presented the report to the national Parliament. He is now Chair of the Justice Reform Initiative.

“It is to our great shame that 30 years later, we have progressed so little,” Mr Tickner said. “We cannot wait another 30 years for real change.”

The report made 339 recommendations, including that imprisonment should only occur as a last resort. This recommendation was adopted by all Australian Governments including by every State and Territory Government from all political persuasions. This support was given on the back of incontestable evidence that jailing was failing Aboriginal people.

However far from reducing the numbers of people in our prisons, all sides of politics have continued with policies which ignore the overwhelming evidence that jailing is failing our society, and the Aboriginal and Torres Strait Islander community in particular:

- Aboriginal and Torres Strait Islander peoples account for 3% of the total population, but 29% of the adult prison population.
- 53% of young people in detention are Aboriginal and Torres Strait Islander people, 21 times the rate of young non-Indigenous Australians.
- The imprisonment rate of adult Aboriginal and Torres Strait Islanders is 15.6 times higher than non-Indigenous community.

Our prisons are at bursting point. The Australian imprisonment rate has more than tripled, from 66 in 1985 to 202 per 100,000 of population last year, costing taxpayers billions of dollars each year and trending up to be one of the highest in the OECD. The rate of imprisonment for the Aboriginal and Torres Strait Islanders is 2,285 per 100,000 persons, and non-indigenous is 146 per 100,000 persons.

“I knew then, as I know now, that jailing was failing non-Aboriginal people as well but by far the most destructive impact was felt by Australia’s First Peoples who were and remain the most incarcerated people on earth,” said Mr Tickner.

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 issues. In the case of Aboriginal people this disadvantage is compounded by marginalisation and powerlessness.

It was these and other “underlying issues” which were identified by the Royal Commission as the root cause of the overrepresentation of Aboriginal people in jail and their consequent tragically high numbers of unnecessary deaths in custody.

“The report 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,” Mr Tickner said.

“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.

“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 of course 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.

Ken Wyatt in a recent interview called for greater investment in diversion: “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.”

“I believe this is one area of public policy where both Scott Morrison and Anthony Albanese should be working together, setting party politics aside and getting all our state and territory governments in the tent with Aboriginal leaders at their side to progress reforms,” Mr Tickner said.

Justice Reform Initiative national patron Pat Turner last week called for governments to stop buck passing on Indigenous overrepresentation in the prison system, stating: “We have the solutions but we need to get on with it.”

Robert Tickner is Australia’s longest serving Minister for Aboriginal and Torres Strait Islander Affairs and is the Chair of the Justice Reform Initiative. He is available for interview today.

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More than 100 of our eminent Australians, crossing party political lines, have joined their voice to the cause of ending Australia’s dangerously high reliance on jails – under the banner the *Justice Reform Initiative*. A list is available [here](#).

The Justice Reform Initiative deeply appreciates the support of the Paul Ramsay Foundation.

The Initiative respectfully acknowledges and supports the current and longstanding efforts of Aboriginal and Torres Strait Islander people to reduce the numbers of Indigenous people incarcerated in Australia and, importantly, the leadership role which Indigenous-led organisations such as Change the Record continue to play on this issue.