

Government must act now to meet its commitment on justice targets

On February 13, 2008 my colleagues and I left work mid-morning and walked the short walk to The Block in Redfern. It may be a memory playing tricks on me but as we arrived, the skies opened up and the rain began.

It was of course an historic day for our nation and one that has been written about by many – the day our Prime Minister apologised on behalf of the Government and Parliament of Australia to the Stolen Generations.

As the Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick Gooda later said, it was the day “Indigenous and non-Indigenous Australians sat together, held each other and cried together”.

Many others have commented on the importance of the healing that day – to members and family members of the Stolen Generations, Aboriginal and Torres Strait Islander people but also the wider community.

Much has also been said of the disappointment of many at the absence of a compensation package or more substantive changes to accompany such a symbolic shift in the relationship between white and black in this country.

Understandably given the momentous and heartfelt words spoken by our Prime Minister in making the Apology, relatively less attention has been paid to the goal setting that was included in the speech.

The Prime Minister set four targets aimed at Closing the Gap between Aboriginal and Torres Strait Islander people in health, education and employment – within a decade to halve the widening gap in literacy, numeracy and employment outcomes and opportunities for Indigenous Australians, within a decade to halve the appalling gap in infant mortality rates between Indigenous and non-Indigenous children and, within a generation, to close the equally appalling 17 year life gap between Indigenous and non-Indigenous in overall life expectancy.

Two further closing the gap in education targets were added with an agreement forged at the Council of Australian Governments. The National Indigenous Reform Agreement set out the closing the gap framework with national partnership agreements accompanying seven building blocks and investment of \$4.6 billion to meet the targets.

In essence, the national partnership agreements were the instruments – agreed between the Federal and State and Territory governments, to direct action on each of the building blocks – early childhood, schooling, health, economic development, healthy homes, safe communities and governance.

The targets gave some effect to the intent behind the call Dr Tom Calma – then Aboriginal and Torres Strait Islander Social Justice Commissioner – had made in his 2005 Social Justice Report which was the bedrock upon which the Close the Gap Campaign was established. He said then that a time dimension was needed to Close the Gap and provide a “long term vision to focus government activity”. Such a time dimension target also allows for government and its departments to track progress and be held to account by the broader community for achieving what they set out to achieve. This is so important to addressing complex, long term areas of disadvantage.

Recognising the importance of focusing the nation’s attention, then Opposition Leader Tony Abbott said in a 2013 speech to the Sydney Institute: “Closing the gap statements may not quite command the attention of a budget but have become an important part of the parliamentary year.”

Committing to do something to Close the Gap was one thing for governments but setting targets for exactly what and by when they intended to do it and being held to account for that, was another and somewhat unheralded in politics – bureaucrats and governments alike seem to dislike putting down such firm markers.

But the closing the gap approach was neither partisan nor attributable to the dogma or ideology that can plague government’s responses to Indigenous issues. Bipartisan support has continued since 2008. It’s positive

By National Director of ANTaR,
Andrew Meehan*

just last year Minister for Indigenous Affairs Nigel Scullion made the point the “Coalition are strong supporters of the Closing the Gap targets”, commenting the Prime Minister and himself have made that support known on a number of occasions.

But while bipartisanship has been maintained, there was always a significant and inexplicable gap in the closing the gap framework. One of the building blocks was not accompanied by a national partnership agreement or target. The Safe Communities building block was left without that time dimension, long-term vision and focus for government activity, so important to the closing the gap approach.

It was the area that encompassed a most extreme gap in relative terms – that of incarceration. Across the country the First Australians can expect to be locked up at 14 times the rate of non-Indigenous Australians. It’s worse for Aboriginal and Torres Strait Islander young people, who are locked up at 28 times the rate of non-Indigenous Australians.

The rate has been increasing. Between 2000 and 2010 there was a 59% increase for Aboriginal and Torres Strait Islander women and 35% increase for Aboriginal and Torres Strait Islander men. What we’re seeing is a crisis that has far-reaching repercussions. It’s a crisis that sees Aboriginal and Torres Strait Islander people, who represent just 3% of the Australian population, making up 28% of the prison population.

Behind the statistics lie real people, families, brothers, sisters and communities and all are affected – not just the individual who is locked up. The ripple effect of such incarceration is widely felt in communities.

This “target gap” was finally recognised in 2013 with a commitment from Labor to develop a justice target to drive the national effort to improve community safety. The Coalition followed suit stating it gave its “support for Labor’s proposed new Closing the Gap targets on incarceration rates”.

Such continued bipartisan commitment to closing the gap and setting targets as part of it, appears as a positive development with potential to provide a baseline of expectations on how governments go about addressing disadvantage of Aboriginal and Torres Strait Islander people.

But we are yet to see action on this critical justice target. A process is yet to be announced as to how government will develop it and it’s now urgently needed.

Shane Duffy, Chairperson of National Aboriginal and Torres Strait Islander Legal Services has said that: “We need to set a stake in the ground of where we want to get to and by when. Without targets, we won’t get the focus and policy change that’s needed on this issue and our people will continue to be locked up at crisis levels.”

But why would justice targets be helpful? A target setting exercise would (and must) involve sitting down with Aboriginal and Torres Strait Islander stakeholders and working out what would lead to closing the justice gap and by when. It would involve engaging States and Territories through the COAG process and would create the space to consider and develop new approaches.

Approaches such as justice reinvestment that change the focus from tough-on-crime approaches that lock more people up, lead to high rates of reoffending, and do not create safer communities.

A justice reinvestment approach is based on evidence that a large proportion of offenders come from and return to a relatively small number of disadvantaged communities.

Being place-based, the model involves a genuine partnership with the local community, where power is devolved to the local level through local governance structures. It could be in the nature of a community justice committee and include community leaders and representatives from police, the local court, local area health and community



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organisations that would work to develop, to implement and to monitor.

The National Aboriginal and Torres Strait Islander Legal Services makes the point the approach is “an evidence-based alternative to the current law and order approaches” and would help address the “large proportion of offenders who fill up Australia’s prisons that have committed relatively minor offences such as traffic offences, or have simply committed conditional breaches of supervised orders”.

Starting the process to develop justice targets in real partnership with Aboriginal and Torres Strait Islander people through the COAG process would be a starting point for finding solutions to the skyrocketing crisis of Aboriginal and Torres Strait Islander incarceration rates; solutions such as justice reinvestment.

In May of this year, the Federal Government announced an Indigenous Advancement Strategy and arrangements for moving Indigenous Affairs into the Department of Prime Minister and Cabinet. ANTaR has previously commented on the concerns we have about the uncertainty the new approach has created, particularly in regard to the ongoing funding of services and programs, given the \$534.4 million in funding cuts announced as part of the Federal Budget.

In relation to incarceration, the cuts to National Aboriginal and Torres Strait Islander Legal Services (\$13.4 million) and Aboriginal Family Violence Prevention Legal Services (\$3.6 million) must be reversed. They have the knowledge and expertise built up over many years that’s needed to come

up with solutions to the unacceptable rates of incarceration. They are critical to the Federal Government meeting its commitment to reduce incarceration and create safer communities.

Last week, National Aboriginal and Torres Strait Islander community leaders met in Canberra to discuss the detrimental impact of the 2014 Federal Budget on key organisations and frontline services. They called for emergency talks between the Prime Minister and national Aboriginal and Torres Strait Islander community leaders beyond the Indigenous Advisory Council and other individual advisers.

This call must be heeded if the Prime Minister is serious about wanting to be the “Prime Minister for Indigenous Affairs”. The cuts to the vital services across many areas, including those that are needed to reduce the unacceptable rate of incarceration of Aboriginal and Torres Strait Islander people, must be reversed.

It’s now time government acted on its commitment to set a destination and chart the course to get us there in relation to incarceration and to do so with Aboriginal and Torres Strait Islander people.

Government should put this issue on the COAG agenda as a matter of urgency and work towards the development of justice targets. It must meet its commitment on setting targets to reduce incarceration.

We as a nation can’t let this incarceration crisis continue.

*Andrew Meehan is National Director of ANTaR. ANTaR works for justice, rights and respect for Australia’s First Peoples.