

Justice or Just Us?

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'Riverbank' Frank Doolan*

In the USA, I'm seven times more likely, as a Black or Hispanic, to be harassed, arrested and incarcerated, than the average American.¹ In Australia, that figure jumps to thirteen times more likely as an Indigenous Australian, you do the math.² This tells me in no uncertain terms, that not only is the justice system in Australia shamefully racist, but it's also badly in need of overhaul.

Recently, NSW Premier, Mike Baird, announced the need for 7000 new cells (cells not gaols) at a cost of \$3.8 billion.³ Baird is smooth and presents well on television. But how can he seriously announce the need for more prison space at a cost of \$540 000 per cell? I could buy a house in many parts of Australia for much less.

Professor Michael Marmot, who along with Professor Tony Vinson, devised what's known as social determinants, urges society to look at the postcodes which supply the most prisoners and to then set to work fixing these places.⁴ Mount Druitt in Sydney's West, Elizabeth in North Adelaide, even Orange's Glenroi or Dubbo's Apollo Estate would qualify.

In these places, which have been allowed over time to run down, educational levels are poor, unemployment and welfare dependency are high and the issues of violence and substance abuse are all pervasive. The great unknown in these places is often the level(s) of mental illness in the estates. If you are an ice addict, you need rehab and healing, not prison. If you suffer from a mental illness then you need real help in a suitable facility rather than incarceration.

In the USA, of the 5200 prisons, almost one in 10 prisoners are housed in private facilities.⁵ There has been a move in recent times however, to reverse that trend. Americans are realising a privatised prison system just doesn't work.⁶ When will Australia slavishly follow suit?

In Australia, we outsource to multinationals to run many of our gaols. The same applies with Villawood, Manus Island and Nauru.

This, in my opinion, absolves government of accountability and of responsibility for human life on their watch.

Recently, Rebecca Maher, a 36-year-old Wiradjuri woman was arrested, walking after midnight beside a busy road. Her crime? She was known to police and she appeared to be intoxicated. When police checked Rebecca at 6am the next day, she was dead.⁷ This happened at

* A local Wiradjuri Elder from the Dubbo region. Riverbank Frank, as the name suggests, lives on the riverbank. A founder of the Dubbo Community Men's Shed. Currently, a community worker at Apollo House in the Apollo Estate. Riverbank Frank, a poet and a philosopher, believes strongly in the need for reconciliation between all Australians.

Maitland in the Hunter Valley, not at some far flung outback outpost.

How many of the police present, who dealt with Rebecca that night, were aware of the many recommendations from the Deaths in Custody Royal Commission⁸ on how best to treat Indigenous prisoners? How many cared?

In a country where we spend thousands on anti-domestic violence advertising, where a recent Australian of the Year was domestic violence survivor/advocate, Rosie Batty, and where one woman dies every four days as a result of domestic violence, who will say a prayer for Rebecca Maher? Dead after one night in an Australian police cell.

So what is the solution? Is the answer to build even more prisons and to adopt even more punitive measures?

In the USA, they are trying out what they call 'restorative justice' in which more money is invested in preventative measures rather than prisons.⁹ It is a much more cost-effective way to counter crime and it is working. To date, nothing else really has.

In Australia, the recent ABC Four Corners program, *Backing Bourke*,¹⁰ highlighted a similar initiative being tried in the far western New South Wales town. So far, these measures appear to be working.

Crimes involving violence and sexual assault demand incarceration. But what about the many who are incarcerated for minor, petty crimes and at what cost?

Community service orders and home detention are much cheaper options than building more prisons. How does this work in Australia?

A local parish priest and a team of volunteers provided a blueprint for healing community in Mount Druitt in Sydney's West in the 1980s through to the 1990s.

The Holy Family Centre at Emerton, a Mount Druitt suburb, was a real lighthouse for the poor. A co-op shop was set up selling cheap food and clothing and a real community spirit was nurtured in a tough place at the best of times. Many of the Mount Druitt residents who accessed the Centre also did community service orders at the Holy Family Centre. This usually involved working on jobs on church grounds, gardening etc. When a holiday program was established, offering residents day trips out of Mount Druitt, the priest needed drivers for the buses. He turned to the men doing community service orders at the church. Over time, many of the men trained and gained licences to drive buses.

This, in turn, led to them gaining employment with Westbus as drivers. So a scheme intended to punish offenders and to make them repay a debt to society actually ended up making them more employable.

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My only regret is that mostly Islander men, rather than Indigenous Australians, took advantage of this opportunity.

That particular priest's time at Mount Druitt passed and he moved on. The first thing the new mob did was to erect a six-foot fence around the centre. An interesting bunch, the Catholics, a priest with a real social conscience is one in a million.

Fact is, however, that this was tried, with real success, decades ago in Australia and as time passed, discarded.

Maybe it's time to revisit the past?

In this country, we've created industry out of disadvantage, before White arrival, there was not one single prison. There was law and justice, but not gaols!

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When I see the way the Australian justice system treats Indigenous offenders in this country, I wonder how primitive, punitive and barbaric Indigenous systems of law are in comparison?

The recent ABC Four Corners program about juvenile detention is really the tip of the iceberg.

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The horror stories many Indigenous youth relate to me makes me glad I'm through that stage of my life. To be Indigenous in Australia today, between the ages of 15-25, must feel for many as if they have targets on their chests.

Racist police fill in their time doing slow drives through estates in places like Dubbo or Mount Druitt and often stop, harass and publicly humiliate Black kids under the guise of crime prevention.

These exchanges between police and Indigenous youth are often racist and are most definitely an attack on human dignity. I've observed, over time, how these experiences seem to embitter and in many cases create petty, yet hardened, habitual criminals who are constantly told, as adolescents, by serving police that they are by nature, criminal.

Much more needs to be done in the way of diversionary programs. I hope also that somebody in authority will do something to change police culture in this country as far as our kids are concerned. Police need to learn how to treat Indigenous youth with the dignity they afford other Australian youth. Otherwise, my people will continue to provide cannon fodder for the privatised prison system of Australia.

We have politicised the justice system in this country. It's all about management control and a top-down approach and is in reality about political expediency. We must empower communities to carry their

wounded, to support community service orders and not to demonise people who, in reality, are guilty of petty crime.

Studies reveal that restorative justice programs do work and are much more cost-effective than privatised prisons. What's needed, however, to make this really work is a dismantling of the top-down approach and greater consultation with and empowerment of communities.

Mount Druitt, one of Australia's biggest public housing estates was planned and implemented by government, as were the other estates. It's easy now to blame community for the issues facing them but the government must accept some responsibility.

When one compares the treatment, by authorities, of former NSW Premier Neville Wran's daughter with that of Wiradjuri woman, Rebecca Maher, one can only shake the head and smile wryly.

Someday, sometime, in this most ancient of lands, the people whose forebears came from other lands will learn how to treat my people with dignity, fairness and (shock horror) maybe even kindness. Until that day arrives, Indigenous Australians will collectively continue to ask:

Is it Justice or Just Us?

Rebecca Maher, her memory lives.

REFERENCES

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