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PARLIAMENTARY DEBATES



THE SENATE

PROOF

ADJOURNMENT

Justice Reinvestment

SPEECH

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Speaker Wright, Sen Penny

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Senator WRIGHT (South Australia) (19:03): Last month, I gave a speech about the growing community call for the adoption of a justice reinvestment approach to criminal justice here in Australia. Tonight I am continuing that theme, reporting on a forum hosted by the Australian National University's National Centre for Indigenous Studies in August. The question posed for the forum was: is justice reinvestment needed in Australia?

I first want to acknowledge the hard work of Dr Jill Guthrie and Professor Michael Levy in convening and facilitating the forum. They managed to secure a highly esteemed panel of national and international experts in the field, attracting an audience of leaders from Australian academic, government and community sectors. This forum, and the debate it is helping to foster, comes at a critical time for the future of Australia's criminal justice system.

I don't think it is too much to say that Australia's criminal justice system is heading for a crisis. Australia's prison population is now approaching 30,000 prisoners—a 200 per cent increase since the mid-1980s. In fact, the number of people in Australian prisons has grown roughly four times faster than the general population. If Australia's prison population continues to grow at an average rate of four per cent per year, as it has done for the last 25 years, we will need to add at least 10,000 new beds to the prison estate by 2020.

The cost of building a new prison varies, but half a million dollars per bed is a conservative estimate. So in simple terms we are looking at a \$5 billion dollar spend on prison construction over the next decade. Five billion dollars could fund the Gonski reforms or the National Disability Insurance Scheme or Denticare. Across the country, millions and millions of dollars are being spent on prison construction and expansion right now. In May, the Victorian government announced it will spend over \$800 million building a new 500-bed prison and adding nearly 400 beds to existing prisons. In the Northern Territory, a new 800-bed prison is due to be completed by 2014 at a cost of nearly half a billion dollars, with additional beds also being added to the current prison. Western Australia has an array of expansion and construction plans, either planned or already in train, which will add over 1,500 beds to its prison system in coming years. Queensland

and South Australia also have significant expansion projects underway.

Prisons place an enormous cost burden on Australian taxpayers and the reality is that the more we spend on building new prisons the less we have available for investment in other essential social services such as education and healthcare. Our response to this might be: 'Well, we can't just let criminals walk free'—and that is true. Prisons will always be needed for serious and dangerous offenders. But there are many people in prison who do not need to be there: people who could be held accountable for their crimes while safely remaining in the community; people on remand, held not because they pose a risk to public safety but because they have no permanent home; people who may not have offended in the first place if they had been able to access treatment for mental health or substance abuse problems; people who cannot afford to pay their fines; and young people who enter prison as low-level offenders and then leave as more hardened criminals who are much more likely to commit serious crimes.

What if we spent less money warehousing offenders after the fact and more money strengthening communities to prevent crime from happening in the first place, all without putting public safety at risk? That is the promise of justice reinvestment. At the ANU forum we heard from Professor Tony Butler, head of the Justice Health Research Program at the University of New South Wales' Kirby Institute. His statistics about the health status of prisoners are nothing short of shocking. Nearly 50 per cent of women prisoners, and 16 per cent of male prisoners, were sexually abused as children; over 70 per cent of male prisoners have a history of injecting drug use, as do 50 per cent of female prisoners; and 46 per cent, nearly one-half, of prisoners have a mental illness at the time they enter prison, whilst 75 per cent have experienced some form of psychiatric disorder in the 12 months prior to entering prison.

Going to prison will not solve these people's problems. There is an alarming opportunity cost to prisons, because every dollar we spend on building a new prison is a dollar not spent on programs which promote opportunities and strengths within crime affected communities—programs such as early parent support in the form of nurse-family partnerships, youth mentoring programs, investments in affordable

housing plus better coordination and delivery of existing social services for mental health, substance abuse, education and job training.

We also heard from Dr Tom Calma, former Aboriginal and Torres Strait Islander Social Justice Commissioner and inaugural National Coordinator for Tackling Indigenous Smoking. You would be hard-pressed to find a more passionate advocate for justice reinvestment in Australia than Tom. A key player in the Close the Gap campaign for Indigenous health equality, Tom would like to see Indigenous overrepresentation in the criminal justice system receive the same level of national attention.

Aboriginal and Torres Strait Islander people over 18 are 14 times more likely to be imprisoned than their non-Indigenous counterparts. But even more horrifying is the fact that the next generation, Aboriginal and Torres Strait Islander young people under 18, are 24 times as likely to be in detention. When we consider that Australia's Indigenous population grew 20 per cent in the years 2006 to 2011, with 36 per cent aged under 15, then, in the words of American justice reinvestment expert Professor Todd Clear, that is a 'big bubble down the road that's got to be paid for'. Do we continue along our current path and simply accept Indigenous overrepresentation in our prisons as a fact of life? Or do we take some of the money we set aside for future imprisonment costs and reinvest it now in programs and services which will address the underlying causes of crime in those communities which need it most?

Professor Andrew Coyle, Emeritus Professor of Prison Studies at the University of London and a former governor of some of the UK's highest security prisons, was very clear. He asked: what do we expect from our prisons? Are they delivering? He said that relying on prisons as a place of reform is flawed. You cannot train people for freedom in conditions of captivity, and the best way to make sure someone does not return to prison is to not put them there in the first place. Evidence based policy, cost-benefit analysis—so many other areas of public spending are subject to rigorous analysis, so why not our prisons? Professor Coyle acknowledges that communities place a high priority on safety. They want to be safe and they want to feel safe. We all do. And prisons do have an important part to play in enhancing community safety. But, he says, that role is limited. That is because prisons deal with the actions of individuals after they have occurred. Their influence is retrospective. We need to look beyond prisons for long-term solutions to crime. Most crime is local in nature: it is committed locally and its negative effects are experienced locally. In Professor Coyle's view, the solutions should also be found locally. At this level, justice reinvestment appeals to politicians

because it offers an answer to one of the key political questions of our time: how best to allocate shrinking public funds. Professor Todd Clear, Dean of School of Criminal Justice at Rutgers University in the US, argues that all corrections costs are in reality 'public safety investments' and the question is: how do we most sensibly invest those resources?

Here in Australia, positive signs of a bipartisan approach to criminal justice policy are beginning to emerge. In my home state of South Australia, both the Attorney-General, John Rau, and his Liberal shadow, Stephen Wade, have said they support the concept of justice reinvestment. And in New South Wales there is a Liberal Attorney-General, Greg Smith, attempting to introduce long-overdue bail and sentencing reforms whilst exploring ways of dealing with crime by addressing its causes. There is an urgent need for a new approach to criminal justice in this system. I commend the National Centre for Indigenous Studies for its contribution to this ongoing debate.

Senate adjourned at 19:12