



SUBMISSION ON IMPRISONMENT AND RECIDIVISM OUTCOMES FOR REMOTE INDIGENOUS COMMUNITIES

It is the Commission's understanding that the Queensland Government has tasked the Queensland Productivity Commission (QPC) with examining how government resources and policies can be best used to reduce imprisonment and recidivism, and improve outcomes for the community over the medium to longer term.

Commissioner David Glasgow attended a public consultation in Townsville in regard to this inquiry, and other members of the Commission also participated in a public consultation held in Cairns on 5 October 2018. On behalf of Commissioner Glasgow and the Family Responsibilities Commission I would like to relay the following observations in regard to remote Indigenous communities for consideration by the inquiry members.

- Gaol is often a better place to be than the communities from which recidivist Indigenous members come. Gaol offers a warm, clean, and well-fed environment, minus the domestic violence which often assaults their day-to-day lives in community.
- Rehabilitation is of little assistance when gaol offers a more inviting environment than the communities to which they must return.
- Ready for work programs are of little assistance to individuals who are returning to a community with no possibility of gainful employment.
- Gaol is frequently a 'rite of passage' for young Indigenous males who wish to be with their mates and other male role models or family.
- Released prisoners often return to communities with no assistance to reintegrate, or to take a new path in the same environment.
- Boredom then leads them to reconnect with their past associates and dysfunctional relationships, and before long they have breached their release conditions and are sent back to gaol.
- Should violent offenders be released back into communities which traditionally have had a higher tolerance to violence, or are there diversionary pathways that could be opened up instead.
- A community led response to halting recidivism may have a more positive effect – specifically by the Elders in community.
- Elder shaming is often of far more significance to Indigenous offenders than norms imposed by Government organisations or a society far removed from their day to day reality.
- Released prisoners should be met off the plane and guided into their community life with rules around who they may live with, who they must not associate with, and what the community's expectation is of them.
- There is danger in releasing prisoners back into the same socio-economic disadvantage from which their offending behaviour emerged – this is inviting a conditioned response to the same stimulus. What is the solution to that situation?
- It is the Commission's experience that community members often feel offenders have not received their just punishment and should not be sent back to their communities. It is one more problem for them to have to deal with.

- Do we look at the offender profiles and treat them differently? Many members of society do not believe the courts are sufficiently strong that they are creating deterrence.
- Short term prisoners are currently not receiving funded courses in prison to assist them to amend their behaviours, though there is talk of extending rehabilitation courses to this group of prisoners. Early intervention should be given as much priority as seasoned offenders.

In regard to Domestic Violence Orders and Breaches, Commissioner Glasgow notes the following:

With the recent changes to legislation governing domestic and family violence, Magistrates now frequently issue 5 year DV Orders in cases where a respondent has not attended the hearing. The situation is further complicated by the fact that in most Indigenous communities, there is minimal opportunity for an application to be made to the Court to discharge a DV order.

Of particular concern to the Commissioner are cases involving siblings and family members where such Orders are made by Courts, particularly in Indigenous communities where mediation services are available, and these mediation services have not been canvassed by the Applicant Police Officer. Communities such as Aurukun and Mornington Island have permanent Indigenous mediators available - their services being funded by the Department of Justice and Attorney-General.

A number of such Orders have come to the Commission's attention in conference. Some were cases where temporary Orders with directions to attend mediation could not only have resolved the family dispute, but on successful resolution through mediation, the Courts would have had the option to consider the necessity for a permanent Order to be made and/or the duration of any such Order.

The Commissioner notes that many adults within each community often have multiple DV Orders against them which were the result of one serious historical incident - which has never been repeated. The existence of such an Order or Orders precludes many community members from employment in the child care area and in the education of children, and can be particularly harsh on women who have limited employment opportunities.

Further, non-contact provisions are a frequent inclusion in a standard protection order, and breaches of the order can result in a mandatory court appearance and possible gaol time. When the system is inflexibly applied, i.e. not taking into account the living conditions in these communities, it results in disproportionate rates of incarceration.

Thank you for offering us an opportunity to present our concerns and observations.



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