

**Speech at the Launch of the
Australian Catholic Bishops'**

Social Justice Statement 2011

*Building Bridges, Not Walls
Prisons and the justice system*

Given by

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In launching today's statement, *Building Bridges, Not Walls* by the Australian Catholic bishops, I want to begin by acknowledging that we stand on the lands of the Cammeraygal people, the traditional owners of this land.

In doing so, it is with sadness when I reflect on the fact that too many sons of the traditional owners, Dharawal, Gadigal, Bundjalung, Wiradjuri and many other Aboriginal peoples are in jail or detention around Australia.

As a nation, we are discussing recognition of Aboriginal Australians in the constitution: a welcome move. But we must also work to reduce the injustices that lead our Aboriginal brothers and sisters to be vastly over-represented in our cells and our justice system.

Only when rates are equal on many fronts – health, life expectancy and incarceration – can we truly say that we have taken steps to a lasting reconciliation.

This journey is one that must be taken together; one that must be discussed and approached with a genuine commitment.

In providing national leadership on this issue, the federal government as part of the Council of Australian Governments (COAG) agenda, could provide appropriate funding to state and territory governments that provide meaningful programs that will reduce the over-representation of Aboriginal people in the justice system.

This money would only need to be a fraction of the present custodial budgets because community development is more cost-effective, even if it is more challenging, as the bishops' statement points out.

Differing solutions are required to break the cycle of custody and provide real hope to many caught up in the justice system, but the leadership of the COAG process could be part of our path to reconciliation.

Perhaps the Government could go one step further and tie this support into a Justice Reinvestment framework, as my friends Tom Calma and Mick Gooda have suggested. Indeed, Mick has raised the possibility of adopting a CRC framework to ensure a long-term commitment and evaluation and I think this has considerable merit

This need not be as difficult as it sounds as our American and British friends are already taking steps down this path, and we can stand on the shoulders of their research.

But one thing is clear: the longer we wait, the more we will lose of the unrealised potential of our young people and their inalienable right to dignity and a worthwhile future.

There are many shocking statistics in the justice area and these are quoted in the report and shocking crimes require the perpetrator to be held responsible. But to achieve safe communities we need to focus on prevention and rehabilitation.

Many young people in custody have at least one parent in custody that night.

Many have been in the care of the state.

Far too many are Aboriginal.

Many have an intellectual disability and many more a borderline disability.

Most are poor.

Almost all have very poor literacy and numeracy: the building blocks to knowledge.

We cannot as a society speak of justice when we allow our jails to be full of the Aboriginal, the poor and the disabled. Surely as an advanced nation we can use this indisputable information to prevent this occurring.

Perhaps we can start with education. The average age of leaving school for those in NSW Juvenile Justice custody is 14, for both Aboriginal and non-Aboriginal. This suggests that education has a protective effect.

However it also suggests that our current system does not engage and meet the needs of many young people.

I have seen young people in custody lift their literacy rates quickly with alternative teaching methods including a focus on visual spacial learners who struggle in the traditional classroom.

We now know that there are many different learning styles and we need to identify those who are struggling and try different methods. Yes, this is resource intensive, but in NSW the direct cost of a young person in custody is close to \$200,000 per year, and this does not include court and police costs, any damage to the community or the opportunity costs to the young person and the community from the loss of this person's potential.

Similarly, if we accept that jail is the last resort, especially for young people, as the international conventions to which Australia is a signatory state, then the bail situation means we are failing.

Nearly 80% of young people on remand in NSW, that is, spending the night in a detention cell, will not end up with a custodial sentence. If this were a hospital and people were being mis-diagnosed 80% of the time, the outrage would be without limits. How can we get it so wrong, so often, with bail?

Of course, the reasons many young people end up on remand are varied, and sadly sometimes it is done with good intentions as the justice system feels compelled to play a welfare role, let alone any legislative hand lying on top of this.

A magistrate or officer may believe that it is unsafe for a young person to return to their home, or they may believe that they are at risk of abuse due to homelessness.

That is why I believe that my friend Fr Chris Riley is right in calling for the establishment of bail houses that are well supported with services and connected to the community. This will ensure that young people are given the help they need to stay out of trouble and deal with the real, underlying issues rather than start a sad journey through the justice system.

It is important to note that this statement is not only about the importance of prevention; it is also about rehabilitation and the importance of accountability through community restorative justice processes.

We also now know that programs that work with and involve the whole family such as multi-systemic therapy help break the cycle and assist the whole family, and I commend the trial in NSW of the Intensive support project which is already showing great results.

For those in custody we must ensure that they are given options for rehabilitation and education, not on an ad-hoc basis but based on a systemic approach. We do not want those in custody to learn violence and helplessness and be disconnected from the community.

I am reminded of a visit that the late John Marsden asked me to attend with him to a client in the old Forensic Hospital of Long Bay when he was campaigning for its

upgrade. Leaving aside the facilities, which have been now upgraded, I remember clearly that many of the inmates had profound mental illnesses.

I also remember the fear of some inmates about being released and getting the help they needed.

A prison is not a good place to be, so imagine the life story of those who feel safer and better supported inside.

I remember being struck by the difficulties of a man trying to engage in a relationship with his young son on a visit, yet not having the parenting skills, nor the support to gain them.

This is highlighted in the statement, for it is often the families and especially the children who are the real victims, and I'm pleased to be involved with SHINE for kids, which aims to support children and their families through an encounter with the justice system, and I thank corrective services in NSW for their support of this endeavour.

I would also like to echo the thanks of the bishops for the chaplains in our prisons and juvenile justice centres: they make a real difference to not only the prisoners and detainees, but to the staff too. They offer a source of hope, and their work deserves more recognition.

They are also a great starting point for those wanting to take up one of the greatest challenges in the bishops' statement and that is to support those in the custodial system to make the transition back into the community following release.

The Church should be the largest Human Rights organisation in the world when you add all of the works that are done by its many arms, hospitals, visitations, nursing homes, advocacy, in fact it would be a challenge to find an area in the Declaration that it does not operate in, but sadly in Australia, we as the laity are not as engaged in this area of need as much as we could be.

As a community, committed to the mission that Jesus set for himself in that beautiful passage that he drew from Isaiah,

*The spirit of the Lord is upon me,
because he has anointed me to bring good news to the poor.
He has sent me to proclaim release to the captives
and recovery of sight to the blind,
to let the oppressed go free,
to proclaim the year of the lords favour.*

then we need to ask our chaplains how we can assist. We need to ask our St Vincent de Paul conferences if they can be involved in visitation with prisoners or those transitioning from custody. Our Social Justice groups could be inviting our Aboriginal elders to help us frame a Christian response.

This is a complicated and difficult area, but it is a journey that we need to take in order to arrive at a truly safe and inclusive community.

I would like to commend the Australian Catholic bishops on their leadership, and thank one of our champions for justice, Chris Saunders, for inviting me today, and close with an observation not from Jesus or St Paul, both prisoners, but from another prisoner who changed the world: Mahatma Gandhi:

An eye for an eye leaves the whole world blind.