



TASMANIAN ABORIGINAL CENTRE

ABN 48 212 321 102

ICN 8554

HEAD OFFICE:

198 ELIZABETH STREET,
G.P.O. BOX 569,
HOBART TAS. 7001
Phone: (03) 6234 0700
Fax: (03) 6234 0799
Email: hobart@tacinc.com.au

182 CHARLES STREET,
P.O. BOX 531,
LAUNCESTON TAS. 7250
Phone: (03) 6332 3800
Fax: (03) 6332 3899
Email: launceston@tacinc.com.au

53 ALEXANDER STREET,
BURNIE TAS. 7320
Phone: (03) 6436 4100
Fax: (03) 6436 4150
Email: burnie@tacinc.com.au

Simon Scott
Committee Secretary
Legislative Council
Government Administration Committee 'B'
Parliament House
Nipaluna/ Hobart 7000
Email: csjs@parliament.tas.gov.au

Dear Mr. Simon Scott and Honourable members,

RE: Inquiry into Tasmanian Adult Imprisonment and Youth Detention Matters

We respond to the Terms of Reference as follows:

Factors influencing increases in Tasmania's prisoner population and associated costs;

Aboriginal people are currently over-represented in the Tasmanian adult prison population and in youth detention centres. At the time of this submission, 172 people, out of a total of 738 people currently in the Tasmanian adult prison, identify as Aboriginal. This percent of the prison population is a significantly higher proportion than that of people identifying as Aboriginal within the general population of Tasmania.

The Royal Commission into Aboriginal Deaths in Custody (RCIADIC), which operated between 1987 and 1991, found that Aboriginal people in Australia were around 27 times more likely to be incarcerated than non-Aboriginal people. In addition to an overall increase in prison population in Tasmania, the proportion of Aboriginal people in prison has also continued to be significantly higher than non-Aboriginal people since the release of the RCIADIC Report.

The data reporting on Aboriginal children and young people in Tasmanian youth detention facilities is not, at this stage, clear and reliable. However, anecdotally it is reported that there is a highly disproportionate number of Aboriginal children and young people in these facilities. The Tasmanian Aboriginal Centre (TAC) calls for on-going work to improve the reliability of this data.

Outcome 10 of Closing the Gap (CTG) is "Adults are not overrepresented in the criminal justice system" and Outcome 11 is "Young people are not overrepresented in the criminal justice system". The Tasmanian Government needs to ensure that relevant strategies and initiatives put in place to address the disproportionate number of adults and children in the Tasmanian justice system are aligned with these CTG Outcomes, as well as developed in partnership with the Aboriginal community and the TAC as the peak organisation on the National Coalition for CtG.

An overwhelming number of studies have shown that the costs per individual in programs that deal with the issues that lead to incarceration and keep people out of the justice and prison systems (such as alcohol and other drug rehabilitation programs) are generally, in some cases substantially, lower than the costs of incarceration per individual. The adoption of justice reinvestment strategies that build on this knowledge is essential to improved outcomes and lower costs.

The TAC was established 50 years ago to address the injustices experienced by Aboriginal people in the State. It has, over that time, provided a range of services including health and well-being, community and cultural connection and legal support services. The Organisation is well placed to understand the issues that contribute to increased likelihood of individuals coming into contact with the justice system and understands these to include (but not be limited to):

- Housing issues such as homelessness and lack of social and supported accommodation (TAC staff report that “some of our community will commit crime to go to jail because it’s a better option than being homeless in Tasmania in winter”).)
- Poverty;
- Low literacy and barriers to education;
- Lack of employment;
- Drug and alcohol issues;
- Experience of abuse and neglect);
- Intergenerational trauma;
- Domestic and family violence issues;
- Resentment towards the majority society that stole our land and continues to practice discrimination against us.

Systemic factors that are contributing to population increase in the Tasmanian prison system include a failure on the part of the Tasmanian government to adequately develop and implement strategies, initiatives and programs that target the underlying causes of individuals coming into contact with the prison and justice systems.

Systemic factors that contribute to the disproportionate number of Aboriginal people in the adult and child/young people justice systems include the failure of the Tasmanian Government to develop and implement strategies, initiatives and programs, that are designed and developed in partnership with Tasmanian Aboriginal people and that target the specific issues of relevance to the Tasmanian Aboriginal Community.

2. The use of evidence-based strategies to reduce contact with the justice system and recidivism;

The TAC calls for the Tasmanian Government to:

- Fund further research into best practice strategies and models nationally and internationally that keep people out of prison/detention facilities and target funding to address these factors, including at policing, charging, sentencing and imprisonment points, and address issues that contribute to recidivism risks;
- Prioritise resourcing of research, strategies and initiatives that are cognisant of the specific issues contributing to the disproportionate rate of Tasmanian Aboriginal people coming into contact with the justice system;
- Fund the TAC to develop alternatives to incarceration, including the potential to reinstate the lungtalanana/ Clark Island Program;
- Ensure that the Tasmanian justice system is aligned with relevant national priorities, including in particular those of CTG;
- Work in partnership with the TAC to design and implement strategies and initiatives for reducing contact with the justice system, that are adapted to meet the needs of the Tasmanian Aboriginal Community specifically, and resource the TAC to manage these.

- Include strategies to improve communication and linkages between the different areas within the justice system, and the external supports (such as the TAC) and to reduce the siloed impacts currently existing.
3. **The provision of, and participation in, services for people in prison and leaving prison (health housing and legal services);**

TAC has a lengthy history of providing whole of life-span, integrated care supports to the Tasmanian Aboriginal Community and knowledge of the efficacy of being able to provide a holistic, seamless service to people in prison to ensure a supported transition back into the community.

The Organisation calls for funding to support Aboriginal people in the prison system, and when leaving prison, that includes providing support to maintain connections to culture, family and the Community, as well as to key services such as health, housing and legal services. The importance of robust strategies for “reconnecting to community” in reducing recidivism are well-evidenced and capacity to have the “right” staff supporting this process, along with the “right” services to link into are paramount. As a community-controlled organisation, with knowledge and background in trauma informed individualised support and program delivery, TAC is well-placed to provide the “right” holistic, seamless, service.

4. **Training and support initiatives for corrective service staff related to increasing individual well-being, professionalism, resilience and reduced absenteeism;**

Adequate (including regular and consistent) cross-cultural training for correctional staff, that potentially includes one-on-one sessions aimed at improving awareness of contemporary issues facing Aboriginal people in Tasmania, would improve capacity and confidence in the workplace for staff working with Aboriginal people in the prison system.

TAC staff report that after cultural competence training, correctional staff have commented that the training provided was useful and “made their job easier”.

Additionally, having culturally competent correctional staff would have a flow on benefit to Aboriginal people in the prison/detention facility systems. For example, TAC staff report they believe low literacy rates impact significantly on the number of Aboriginal people incarcerated in both Risdon and Ashley and see continued cross cultural awareness programs for teachers and educators as key to addressing this.

5. **Innovations and improvements to the management and delivery of corrective services that may be applied in Tasmania, including to future prison/detention centre design; and**

The TAC calls for the Tasmanian Government to operate from the principle of incarceration as a last resort and, as such, see prioritizing of resources towards seeking and funding alternatives to incarceration as of primary importance. Included in this are calls for looking at best practice models across the domains of prevention, early intervention and diversion, for both adults and children/young people and dedicated allocation of funding for this research, with resourcing of TAC to provide input to adapting models to suit the Tasmanian Aboriginal Community.

As a State-wide organisation, with extensive experience in meeting the needs of the Aboriginal Community, TAC is well-placed to provide advice and input on prison/detention centre physical and operational design that facilitates support for Aboriginal people while in those facilities and when transitioning back into the community. Pathways and linkages that assist maintaining family, social and cultural supports outside the prison system are a well-known strategy for reducing recidivism.

It is further recommended that the Tasmanian Government, in partnership with the TAC, conduct a review of the systems and processes in Tasmania’s corrective services to ensure that Aboriginal people in custody have

the right to access and continue to practice their culture, are free from discrimination, and are able to practice Aboriginal self-determination.

Thank you for the opportunity to comment.

Yours sincerely



Heather Sculthorpe
CEO

14/04/2023