

A Note on the Federal Government funding after the Royal Commission into Aboriginal Deaths in Custody

The purpose of these couple of paragraphs is not to respond to Weatherburn and Fitzgerald's rejoinder in any detailed way. If they are inclined, readers can go back to Weatherburn, Fitzgerald and Hua's original article in the *Australian Journal of Public Administration* (2003), and my article in *Current Issues in Criminal Justice* (March 2006) to understand our differences. However, I do want to say something about the Commonwealth response to the RCADIC recommendations, mainly for the purpose of maintaining an historical record that is factually correct.

Weatherburn and Fitzgerald's rejoinder still attempts to salvage a view that large amounts of money were allocated to reform the criminal justice system as a result of the recommendations of the Royal Commission. Their original argument said 'much' of the money was spent on criminal justice reform. Weatherburn and Fitzgerald now acknowledge in the rejoinder that this may have been an exaggeration on their part but they still use the figure of \$65 million allocated to criminal justice. However, of the \$65 million some \$50 million went to the Aboriginal Legal Services for a variety of functions, including improved legal representation. Only \$7.5 million went to 'reforms to policing, custodial arrangements, criminal law, judicial proceedings and coronial inquiries' (which was 1.9% of the total funding allocation) and \$6.9 million to youth bail hostels (which was 1.7% of the total allocation). In the context of the Commonwealth funding of \$400 million and a spread over all Australian jurisdictions, this indeed was an inconsequential amount. The bulk of the Commonwealth money went on drug and alcohol services, programs to improve employment, raise income and secure economic development (including through land acquisition) and programs to improve access to education and more general access programs for young people — precisely where, in general, Weatherburn has been advocating money should be spent. Weatherburn normally identifies alcohol abuse, poor school performance and unemployment as the key causes of over-representation (Weatherburn Lind & Hua 2003), sometimes adding drug abuse and child neglect (Weatherburn 2003). Sometimes, 'the number one priority [is] to reduce the level of Aboriginal unemployment' (Weatherburn 2003), although more recently alcohol has replaced unemployment as the priority issue (Weatherburn 2006).

It is not surprising that the Commonwealth allocated very little money to criminal justice system reform — it was seen to be the major responsibility of the States and Territories to reform the criminal justice system and to allocate the requisite funds to achieve this reform. However, as David McDonald and I noted in 1996 when we reviewed a section of Royal Commission recommendations, there was no reporting of State or Territory funding allocations for the implementation of Royal Commission recommendations — much to the irritation of Indigenous organisations because it substantially reduced State and Territory accountability. It is also not surprising that little Commonwealth money was allocated to criminal justice reform because the focus of the national response was on socio-economic disadvantage, and this focus was justified by the Royal Commission's view that disadvantage was the root cause of the disproportionate rate of Aboriginal imprisonment.

I think there is much room for debate on government responses to Indigenous incarceration. However, I don't think the debate is helped when it is built on inaccuracy.

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References

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