

TRANSCRIPT

LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Victoria's Criminal Justice System

Melbourne—Tuesday, 19 October 2021

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WITNESSES (*via videoconference*)

Ms Melanie Poole, Founder and Director,

Ms Anya Saravanan, Research and Policy Analyst,

Ms Rachael Hambleton, Senior Strategy and Research Adviser,

Mr Denham Sadler, Senior Editor, and

Ms Anna Cerreto, Strategic Communications Adviser, the Justice Map.

The CHAIR: Hello, everyone, and welcome back. I can now declare that the committee is now open again, that being the Legislative Council's Legal and Social Issues Committee. This is our Inquiry into Victoria's Criminal Justice System.

We are very pleased to be joined this afternoon for this session by the Justice Map. This is a group of a variety of different organisations led by Melanie Poole, but we also have Anya Saravanan, Rachael Hambleton, Denham Sadler and Anna Cerreto. I am sorry for mangling any of your names just now. As I previously introduced them, I am joined here by my committee colleagues Tania Maxwell and Kaushaliya Vaghela.

If I can just let you know, all evidence taken today is protected by parliamentary privilege, and that is through our *Constitution Act* but also through the standing orders of the Legislative Council. Therefore any information you provide during this hearing is protected by law. You are protected against any action for what you say during this hearing; however, if you were to repeat the same statements outside of this session, you may not have the same protection. And any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

We are being watched and listened to by our wonderful Hansard team. They will be providing a transcript of today's hearing. You will receive a copy of that, and I encourage you to have a look at it and make sure we have not misheard you or misrepresented you. Ultimately that transcript will form part of our report, and it will also go up onto the committee's website.

We have received your submission and the appendix to that submission—the chapter on looking for the money—and we would welcome some opening remarks before we have a committee discussion. Thank you very much again.

Ms POOLE: Thank you. I would like to just start by acknowledging that we are all meeting on unceded First Nations land today. I am Melanie Poole, and I am coming to you today from Ngunnawal land; we have got Anya, Rachael and Denham coming to you from Wurundjeri land, and then we have got Anna on Turrbal and Jagera land. We also just want to acknowledge that when it comes to making calls for changes to the so-called justice system, that is something that First Nations communities have of course been leading for more than 200 years now.

As you mentioned, we are from the Justice Map, and that is a research project looking at the crisis of mass incarceration. In the last 18 months we have conducted an enormous amount of research, which includes an extensive literature review, interviews with over 40 experts and advocates, and also importantly yarning circles with people who are currently incarcerated in Victorian prisons and also people who have previously been incarcerated in Victorian prisons. I want to particularly just acknowledge and thank those people for coming to our yarning circles and sharing their stories. I also want to acknowledge Naomi Murphy, who is a Wakka Wakka Murri woman who has her own lived experience of being incarcerated. Many of you would recognise her. She is a well-known advocate, and she led those yarning circles for us.

We are an independent project that is fuelled by volunteers who have experienced incarceration of people close to us or who have been incarcerated ourselves. For that reason, you would have noticed that the language in our submission is a bit different. We do not call ourselves or our families or our friends or the people who came to our yarning circles criminals or offenders. We do not make false distinctions between community members and criminals or between victims and perpetrators. We do that because we think that words matter and the words

that we use to describe and categorise other human beings are really, really important and have a really powerful impact, particularly when it comes to people who have experienced a lot of marginalisation.

So our work looks beyond narrow legal reforms, to consider how the policy choices in areas such as housing, commercial interests, health and welfare have created mass incarceration. We think that this is really critical because we think that to confine our research or the work of this inquiry to a conversation about narrow legal reforms is basically just to set ourselves up in a conversation at the bottom of the cliff, rather than understanding why people have fallen off that cliff or which groups are being pushed off it.

We also think that it is really important to recognise that acts that are harmful or violent in our society are not necessarily criminal and also that the acts that we define as crimes are not necessarily always harmful. For example, there are currently thousands of people in prisons in Victoria for the crime of possession or use or acquisition of illicit drugs, but a lot of those people have not actually harmed another person. In contrast, we can look at how the justice system itself does cause an enormous amount of harm and violence in our society. We could ask, for example, where the justice is for the almost 500 First Nations people who have died in custody since the royal commission in 1991. Or we could ask where the justice is for the children who have been placed in spit hoods or chokeholds and leg cuffs and solitary confinement, or the children that were put in adult prisons like Barwon, where they were assaulted. Or we could ask where is the justice for Rebecca, who was a mentally impaired woman who was found not guilty but nonetheless she was incarcerated for one and a half years and held in solitary confinement for 23 hours a day, simply because there was apparently nowhere else in Victoria for her to go. That was the case that the Victorian Ombudsman described as the saddest case she has ever investigated. We would ask where is the justice for our friend Christina, who we talked about in our submission, who died last year in completely foreseeable circumstances that could have been prevented, when she was released from Dame Phyllis Frost during the pandemic and straight into homelessness.

So if there is one thing that we want to communicate to this inquiry it is that Victoria's mass incarceration crisis has not been caused by the specific group of people who we have labelled as criminals and imprisoned. It has resulted from the policy choices of a series of Victorian governments, and these choices are made every year in every budget every time that billions go into policing or prisons while we continue to drastically underfund housing, mental health, social supports and community services.

We are urging a really big picture focus here. We do understand also that you have to deliver a report that a department can action, and that is why we have included 26 pretty detailed recommendations. I just want to briefly highlight four of the recommendations that we included which I do not think have come into the hearings as much so far as some of the others. The first of those is our recommendation around shifting the language used in relevant policy areas. We have cited in our submission a few examples of frameworks and policies that are currently in use which we think use really problematic framing and language. It might sound like an abstract thing to talk about, but it is actually so critical in understanding what the analysis of a problem that we do is and therefore the policy solutions that we come up with. I guess we wanted to possibly be a little bit cheeky to the committee—that we would love to see in this inquiry's report an acknowledgement of that point about language.

Our second recommendation we made is pretty simply the decriminalisation of the use, possession and acquisition of all drugs. This is just so obvious. I mean, it is what the evidence tells us, it is what the World Health Organization advises, it is what Portugal has proven. This one recommendation would go so far to addressing the mass incarceration crisis, and so we just have to mention it.

The third is about putting prisons and prison services back into public hands. We have done a really extensive, and I would say quite groundbreaking, investigation into following the money. We have produced research that has not been published before. I should really acknowledge Denham Sadler for the investigative work that has gone into that—hundreds of hours. It is just so clear that what we are doing is inserting a profit motive where it does not belong, and that is having really harmful consequences.

The fourth is ending the illegal forced labour in Victoria's prisons. I think this is a really important issue which has not really been picked up very much in the public conversation. It was really hard to look into it, but what we have done is now provided that evidence and collected extensive testimony from people in prisons about the use of forced labour in Victoria's prisons. We are happy to speak more to any of those or any of our other recommendations.

In conclusion, we just would urge you in considering the solutions that we are putting forward to interrogate who it is that we are defining as criminals and what it is that we are defining as crimes and to avoid the business-as-usual solutions that we see so often, which usually involve funding for services that sort of correct people or divert them—these sorts of words that focus on people who are in the system needing to be diverted and so on. The other business-as-usual thing we see is specific legal reforms, which are important—things like raising the age and fixing the parole and bail laws are really critical—but we need to be bigger picture than that.

The final thing I would say is that we just want to make the point that repeated attempts to address harm by expanding a violent system and keeping prisons and police going as the only option we use to deal with harm in this society is clearly only deepening problems that we are facing and that the voices of people in this system have to really be front and centre when we think about what the solutions are. Thank you.

The CHAIR: Thank you, Melanie, and thank you for that very good suggestion. When we come to be drafting our report we will absolutely bear that in mind. I would like to acknowledge that VACRO also made the same gentle nudge to us around language. I appreciate it, and it is so important. We fully acknowledge that. I would also like to start with my condolences to you all in regard to Christina. It was tragic reading her words in the report—I am choking up—and then to hear that she had died.

I might start with the work around the privatisation of prisons. I think we have not had that in such detail from other submissions. You say that the more people are in prison and the longer their sentences are, the greater the profit that can be made, and I wonder if you would care to expand on that statement to start with.

Ms POOLE: Absolutely, and I will let Denham jump in.

Mr SADLER: Thanks, Mel. I think from a basic standpoint it stands up that these companies that run the private prisons, and they run them on billion-dollar contracts that run for decades, need people in the prisons to make money, whereas the government might come to running a prison to want to reduce recidivism, to rehabilitate people. There is less of a motive for that if a private company is running it. So you see, with companies there is less of a motive to run them in a way that is going to stop people being in there. Then there are also profits there in prison expansions, which we are obviously seeing in Victoria at the moment. There are a lot of expansions going on in public and private prisons, and that is also a motive for these companies to keep people in there, and that is how they make money as well. So you see the concern: that the more private prisons you have, you are concerned about rising incarceration. And that there was actually an interesting study last year in the US—so it is obviously the US, not here—that did find a correlation between states with more private prisons and rising incarceration, and that was in terms of corruption. It kind of actually found that companies had bribed judges to give harsher sentences and also that the private prisons had more room in the prisons. There are more people put in cells and there is just more expansion, so then judges are more likely to sentence people if there is room in the prisons. I think there is a lot of evidence to prove that there is a financial interest for these companies having more people in there, and it often does lead to more people being incarcerated because of the privatisation.

The CHAIR: Are private prisons tested on their recidivism rates?

Mr SADLER: Yes, they are. At least recently a few of the Victorian contracts did include kind of bonuses for improving that statistic, but there are a lot of issues. That was one of the things I encountered writing this section, that a huge amount of the contracts are redacted. You kind of open them up, they are obviously hundreds of pages, and so many of them are just the big black boxes redacted out that you probably would have seen as well. So it is hard to get much information on what those bonuses are and whether they do kind of balance between the bonus of running a prison with more people. So there are things in place. I know governments around Australia are trying to bake that into the contracts to improve it, but there is not much transparency in this. There is not a lot of evidence that it is working very well either.

The CHAIR: No. And certainly I know I have asked ministers about this before and they have said, ‘Oh, yes, we’ve got this in place’, but I have never been able to get any clear information. In your research were you able to actually find any data that compared, say—Port Phillip is privately run, is that right?

Mr SADLER: Yes, that is G4S, a British company.

The CHAIR: Yes—Port Phillip to a publicly run prison? Was there any ability to do any comparison?

Mr SADLER: There have been efforts. The Victorian Ombudsman has looked at it before, and they kind of tried to test—obviously the big argument for privatisation is to save money: take it to the market, better value for money. But even the Ombudsman—and they have got obviously lots of powers to gather information—pretty much could not even start to test that. They kind of just said, ‘There’s not enough data to prove that either way’. If that is your starting point for the debate, you cannot start the debate because you do not have evidence to prove either side. And there have been obviously a lot of reports, and the IBAC report looking at the conditions in these private prisons as well has been pretty horrific to read.

The CHAIR: Look, I know there are other questions. I will just quickly ask one last one, and then hopefully get a chance to come back. I think in your report you noted there was another state where you could actually get a lot of this information—was it Western Australia or New South Wales? There was one state where a lot of this information was public compared to Victoria, and I am wondering what should we recommend in that transparency area around prisons?

Mr SADLER: Yes. It was Western Australia that is definitely leading the way in terms of transparency. They have also gotten rid of some of their private prisons, but they do have one left that is a really big prison. I think it is the second biggest in Australia. That is still private, but, yes, they are really good with information. The contracts were significantly less redacted than Victoria’s one in terms of some of the penalties for the companies if there are incidents and other things like that. I think recommendations around improving transparency, restricting the use of redaction and commercial in confidence and that thing would be useful. And they also have a much stronger inspecting body for prisons that applies to private prisons as well than Victoria has, and that obviously applies to OPCAT and a lot of stuff we probably do not have time to get into. But, yes, they have a lot of powers to gather information and their reports, which sometimes are on the private prison, are really strong as well.

The CHAIR: Just quickly, can I just confirm: you did make a recommendation that we introduce that type of independent oversight of our prisons, didn’t you?

Mr SADLER: Absolutely. I think that would be a big step to improving some of these transparency issues.

The CHAIR: Fantastic, thank you. We will flip it around this afternoon—Tania, then Kaushaliya.

Ms MAXWELL: Thank you, Chair. Thank you, everyone, for joining us today. It is great to have you here, and thank you for your submission. Just a couple of questions in regard to victims. What percentage of people incarcerated do not have a victim attached to their offending? Do you have any statistics on that?

Ms POOLE: I think we would probably have to take that one on notice to give you an actual numerical answer, but I am happy to come back to you.

Ms MAXWELL: Thanks, Melanie. And so I am also wondering: do you consult with victims prior to drafting your submissions and recommendations?

Ms POOLE: Yes. Firstly, just in answer to the first question, while we will come back to you with something more numerical, illicit drugs I think is the offence that is second-highest in terms of what people in Victoria are currently locked up for. We know that for a very large percentage of people who are incarcerated for illicit drugs there has not been violence toward another person, but we will come back to you with a more precise figure.

In terms of the second question, well, everyone that came to one of our yarning circles is a victim of really multiple levels of harm and violence, and they are fairly representative of the overall snapshot of people who are in our prisons. People in our prisons are overwhelmingly people that have gone through the child protection system. A huge proportion of them there have been subject to violence in their childhood. For women in prison, I think the statistic is close to 90 per cent who have been victims of family violence. That is sort of why we make that point that we just reject an idea of there being a binary between who is a victim and who is a perpetrator, and we have to sort of understand those two things as being integrated. I might just throw to Anya in case she wanted to make an additional comment about that.

Ms SARAVANAN: No. Just the figure was right. It is close to 90 per cent.

Ms MAXWELL: And just going quickly to Denham's conversation around the private prisons and the profits, if you like, to put it very crudely, that they appear to be making, I am just wondering—because I think it is imperative that we have this, if you do have it—do you have any substantial evidence to support your claim that private prisons are bribing judges? Because that in itself warrants its own inquiry.

Mr SADLER: I should clarify that was from a report in the US, so it absolutely did happen, but I am not implying that it is happening here. But it was a report in the US. I can provide the news reports on that. But, yes, that was a US case that was happening in a state over there that I can definitely provide more information on. I was not implying it was happening here, though.

Ms MAXWELL: Great. Thanks, Denham. I am happy to go in the next round and hand it over.

The CHAIR: Thanks, Tania. Kaushaliya.

Ms VAGHELA: Thanks, Chair. Thanks, Melanie and team, for your submission and for your time today to appear at the hearing. I know that your organisation is interested in mapping the criminal justice system across Australia. What would you say is missing from the current mix of services in Victoria as far as our criminal justice system is concerned?

Ms POOLE: I mean, I think at a basic level it is that point about every year when it comes to doing the budget the government has a choice to make about where it is putting the money. And we have seen successive governments of both major parties, successive budgets, deciding to put billions into the bottom of the cliff, and all of those services that actually stop people from falling off the cliff are drastically underfunded. And we have cited some of the stats in our submission around just how much of a shortfall there is when it comes to things like mental health beds, rehabilitation for alcohol and other drugs and the six-month waiting lists there. You know, we talked about how that plays out using the story of Christina to illustrate that and the fact that even when somebody is standing before a judge just desperately saying 'I need rehabilitation' and the judge says 'I know; that's what I want to give you', it is not there, because the bed has been funded in the prison and it has not been funded in the rehabilitation. I mean, I could go through a whole list of all of the services—

Ms VAGHELA: It is mainly the funding, you would say?

Ms POOLE: Mainly it is that choice about where that \$2 billion is going, for example, and it is really across all of those areas. I am sure you are hearing in a lot of detail from VAADA and VACRO and other important peaks about the particular service areas, but it is across the board when it comes to mental health, alcohol and other drugs, other sorts of supports people need and particularly where we can see that there are really proven interventions and programs that work. We know, for example, that Aboriginal community controlled organisations always achieve the best outcomes for Aboriginal people, which is obviously common sense—that they know what to do. Yet they do not receive funding that is commensurate with that and that would enable them to scale their programs up to the level where they could have the type of impact that they should have, so I think that is the fundamental point. It is about which stream that money goes into.

Ms VAGHELA: Your organisation has been vocal in opposing mass incarceration, so what can you tell us about alternatives to prison that yield better results at reducing reoffending?

Ms POOLE: Well, I would say as a fundamental point it is again about that top-of-the-cliff stuff. A core one is housing. We have also in our submission really highlighted the importance of rehabilitation, because the overwhelming majority of people in our prisons are in there with mental health and addiction problems, so that is really critical. Then homelessness is the other major thing. When you break down the statistics, it is so clear that we are talking about homelessness and lack of mental health and addiction support, so that is the conversation we need to be having. People like Debbie Kilroy and others with lived experience have said we need inquiries into poverty. But I might just see if Anna wanted to add anything to that in terms of the criminalisation of poverty and homelessness.

Ms VAGHELA: Okay. And the Justice Map—

The CHAIR: Kaushaliya—

Ms VAGHELA: I will come back.

The CHAIR: No, no. Anna just wanted to add to that in response.

Ms CERRETO: Thank you. I totally agree with what Melanie has said. I think that idea of keeping our eyes on the social conditions that have enabled and continue to create mass incarceration is where that thinking needs to go and where the thinking and solutions will be.

Ms VAGHELA: The Justice Map has frequently raised the gendered impacts of incarceration. Can you tell us a little bit more about the impact of prison on women and their families?

Ms POOLE: Thank you. I will throw to Anya for that one.

Ms SARAVANAN: Thank you. Most women in prison have experienced family violence. That is number one. And going to prison is an experience that compounds this existing trauma. There are lots of issues with women losing children because of prison or not being given alternatives because then they will be deemed not being protective enough. For example, in the family violence intervention order system if a woman does not consent to an order, then there is always the possibility that this will trigger the child protection system and that the woman will lose her children. So there are lots of problems with losing access to family members and also compounding the trauma they have already experienced.

Ms VAGHELA: Chair, I will come back in the next round if time allows. Thank you.

The CHAIR: Thanks very much, Kaushaliya. I will just continue with the prisons, because we will have Corrections coming to meet with us next month, so I am keen to kind of get a list of questions for them from you. In prison it certainly seems to make sense that you would want to be working, you would want to be skill building, things like that, but it certainly appears from what we are seeing that there seem to be people taking certain advantage of the opportunity to use prisoners in a labour force. Is there any evidence of how much people are being paid, or is the only way you can get that data by actually, as you say in your submission, just talking to prisoners about how much they are getting paid? There is no public record of how much people are being paid in our prison system?

Ms POOLE: Denham, do you want to jump in?

Mr SADLER: Yes, definitely. The evidence we have got is that other states do kind of vary and have other documents. But, yes, the evidence we have is from the direct conversations through the yarning circles that Mel talked about. And, yes, we also do not know whether it kind of changes—what would change with the private prisons as well. But, yes, that is the main source of the data on that.

The CHAIR: Yes. Not to speak for everyone else, but when I think about working in prison, I think it is about working in the kitchen or working in the garden and that notion of self-sufficiency in prisons. But obviously there is a lot more to it, and we have got different companies now getting involved in prison labour. Do you have any idea of the breakdown of that? So how many prisoners would be working around, I suppose, that typical television model of prison work, which is that they are keeping the prison going, compared to those actually being outsourced?

Mr SADLER: Yes, it is a great question. I definitely do not have the exact data on that. You know, that is something that is not published as well, but you definitely do work in the kitchen, in the garden and all sorts of self-sufficiency stuff, as you said. But I would say a lot of the time private companies have deals with the prisons to get this prison labour and a lot of other stuff like work for the state as well. I think we saw the corrections minister post about inmates at one of the prisons making the numberplates for the state, which is obviously one of the classic ones you have heard of for a while. But yes, they do do a lot of that sort of work as well for the state government.

Ms POOLE: And state governments are trading this labour with each other as well. We spoke about that in our report, and that was a pretty startling thing that we uncovered.

The CHAIR: So New South Wales prisoners are helping build Victoria's pop-up prisons. Is that—

Mr SADLER: Yes, that was one of the stranger contracts so far. And yes, it was to do with Victoria's prison expansion, but they were being built by prisoners in New South Wales.

Ms POOLE: And one of the other things I would add from sitting and listening to the people in our yarning circles is that there is no doubt that work is something—you know, meaningful work is of course important for health and wellbeing for all of us—but they were really clear that they are not having an experience of meaningful work. I really found it interesting just how clear the First Nations people who were incarcerated were. Their language for it is ‘slave labour’. That is how they are experiencing it, and they tie it to their colonial experience. So they are very, very clear about what that experience is for them and that it is coercive, that they are not experiencing it as voluntary.

The CHAIR: No. I think this probably comes to my final question, which is probably slightly broader. What do we need to do to give prisoners and people in prison some similar protections to the rest of us? I think I go to that point about health care, and the NDIS and Medicare and prescription medicine and those areas. What do we need to do to change that?

Ms POOLE: It is actually really simple from a legislative perspective—

The CHAIR: Oh, great!

Ms POOLE: I mean that is obviously federal legislation. From the Victorian government perspective, they might like to advocate through COAG. But it would just be amendments to the federal legislation that deals with Medicare, the NDIS and the PBS and so on, to say that people in prison are not exempted from these services that are supposed to be universal. At the moment, because people in prison are state responsibilities, the federal government acts like, ‘Oh, well, our hands are tied’, but actually very simple amendments would solve that issue. States could certainly take that up, because it is putting the burden on states to provide that level of health care. You know, there are potentially actions there that human rights bodies could take. There is actually very, very clear evidence that states are not making that up. People in prison are not receiving from the state something equivalent to those national systems. So, yes, states should be pushing back on the federal government.

The CHAIR: Well, it seems to make sense because given the cost of the health in our justice system, you might as well get the feds to pay for it rather than the state paying for it.

Ms POOLE: And the concept of sort of creating some parallel thing for the people who are in prison that is supposed to be equal to the systems that operate at the scale of the whole population, it is actually not possible.

The CHAIR: Exactly Thank you. Tania.

Ms MAXWELL: Thank you, Chair. I just want to go back a little bit in regard to decriminalising drugs. Can you expand a little bit more in relation to that, so what drugs and why?

Ms POOLE: We have said all drugs—decriminalising the use, acquisition and possession of all drugs. And, you know, the reasons why are, I guess going back again to that metaphor around the cliff, at the end of the day we have to look at what actually works—what works to increase the chances that people who have addictions can recover from those addictions in a sustainable way and what actually works to reduce the overall harm that drugs do to society. There is really clear evidence of what works. Portugal is repeatedly cited. They have provided the model to the rest of the world of what works. The barrier here is political. There is just no evidence to suggest that criminalising drugs and putting people in prison for their use of drugs reduces harm for anyone. And there is a lot of evidence to suggest that it increases harm, including by not addressing any of the causes of addiction, and so making it even more unlikely that people will actually be able to recover into the long term.

The other argument that people make is that when we criminalise drugs we create inevitably the black market for drugs. So we essentially put people who have addictions in a situation where they have to participate in crime in order to access the drug that they are addicted to, and we can see the harm that that does. If we had to pick one thing that is filling our prisons, this is it. We have cited a number of the stats in our submission. New South Wales did an inquiry that found that something like two-thirds of people in New South Wales prisons have an addiction to ice. That is just looking at one drug. So it is very clear that criminalisation does not work, and it is very clear that decriminalisation does work.

Ms MAXWELL: Melanie, from your perspective, what do we do with people who are addicted to one drug, various drugs, whatever it may be, who become violent/psychotic on those drugs and who do not want to be rehabilitated—they do not want to come off the drugs? What is the alternative? What do we do to encourage and support those people to no longer have that addiction?

Ms POOLE: I think the first thing we just have to establish is that we do not have at the moment a working answer to that problem. We are not proposing that there are really simple solutions to all the types of harm that people can do to themselves and to others, but at the moment if you have someone who is profoundly affected by addiction and they are using violence or they are going into psychosis, as you said—I mean, firstly if they are in psychosis, they are probably not criminally responsible anyway, and then we put them in prison, what is that achieving? They will then come out of prison and then be in probably an even worse situation where, when they may have at least had housing before, now they do not have housing, for example. I think we just need to accept as a beginning premise that this is not a problem that we currently are actually doing anything effective to solve through the criminal legal system. I think the answer to what we do with somebody who is in that situation—I do not want to give any kind of overly simplistic answer, but one thing I would say is that for as long as what we are resourcing is that bottom-of-the-cliff response, it means that we are not creating public policy incentives to actually look at prevention. If we have a mentality that, ‘Oh, well, once somebody actually explodes in violence, goes into psychosis and starts causing harm’, and what we have done is spend billions of dollars on armed police who can then respond to them, we have not built into that public policy system the incentives to say, ‘What are all the things we have to do to stop that from happening?’. If you were to take somebody who meets that description, I could guarantee you that if you looked into their background, you would find so many failed interactions with systems from the child protection system, the education system and the mental health system, so what we need to be addressing is where all those failed interactions have taken place. Let us try and think about how we do not just accept that type of violence and harm as an inevitable thing, you know.

Ms MAXWELL: So ultimately what I am hearing from that is that early intervention is imperative. It is almost the key to preventing our numbers of incarceration increasing.

Ms POOLE: Yes, and I just say we are advocating a more holistic concept of early intervention than the one that often gets advanced in these discussions, because often there is a very narrow idea of what early intervention is that ends up coming into policy, and we are saying, ‘Well, early intervention is that \$2 billion goes into housing and community services, not into putting an extra 3000 cops into the workforce or expanding prisons et cetera.

Ms MAXWELL: Thank you.

The CHAIR: Thank you. The police have just put out their drug strategy, and I am pretty sure that they said in there somewhere that somewhere between 70 and 80 per cent of their arrests are for possession and use only—not for violence and not for anything—and less than 30 per cent are for actual trafficking. They also said that every dollar spent on treatment is an \$8 investment, so I think even the police are recognising now that something needs to change. I am sure they will tell us all about it when they come and see us.

Ms POOLE: I have sat down with Wayne Gatt before, and something that we agreed on is that mental health workers are much better responders than police in these circumstances.

The CHAIR: Yes, exactly. Kaushaliya.

Ms VAGHELA: Thanks, Chair. Just a quick one: Melanie, I am pleased to say that spent convictions have now been put into legislation. Can you tell us about how criminal record reform can reduce recidivism?

Ms POOLE: Congratulations on that incredibly important reform, which I know that many of you worked extremely hard on.

Is there a team member who has not spoken who would like to answer that one? No. All right, I will just jump in. It is an incredibly important reform in terms of reducing recidivism. If we expect people to learn some sort of lesson from having been convicted of a crime and serving time and so on, then what chance are we giving them to take that forward in their lives if they spend the rest of their lives essentially as second-class citizens? You know, we have all seen with people that are in our team and people that are in our families and so on the

impact that it has, and it is just so devastating. I could just tell you so many stories of women I have worked with, for example, who have just experienced the most profound trauma and violence from the moment they were born basically. They fell into addiction as the human way of coping with that. They had never actually been violent towards any other person but ended up being criminalised and put in prison, then decided, 'Okay, that's it. I'm going to get my get my life back on track'. All they had the skill set to do was help others. It is so moving, the number of people you meet who have been incarcerated where their just driving thing is they want to help others now. And then they go to try and become youth workers or to go back into the prisons and work with people on healing and their own criminal records prevent them from doing that. I have been with people who have just broken down at the message that that sends to them, that you are not somebody who is safe for children, and here you are wanting to help children who might be experiencing the same harm that you did. And then of course on every other level: housing, employment obviously. So giving people a chance to not spend the rest of their lives—they have done their punishment—as second-class citizens is definitely a really effective strategy for reducing recidivism.

Ms VAGHELA: Thank you.

The CHAIR: Thank you. Thank you to you all. This has been a great session. It is a really good submission. The research is really interesting. You have raised issues that some of the other submissions have not raised, so it is wonderful. All of this builds on our use of cannabis inquiry and obviously our homelessness inquiry. This is reaffirming that fundamental need for investment into housing and homes.

As I mentioned at the outset, you will receive a transcript of today. Please have a look at it and just make sure that we have not misrepresented you. That will go up on our website in the near future.

Again, thanks very much. We may send a couple of follow-up questions, if you do not mind, but you are under no obligation to respond to them. I know how busy you all are and how hardworking you all are. Thank you again.

Ms POOLE: Thanks so much.

Witnesses withdrew.