



New South Wales  
Council for  
Civil Liberties

NSW COUNCIL FOR CIVIL LIBERTIES

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**Systemic racism and the over-incarceration of Indigenous people must be addressed.**

NSWCCL's upcoming online panel discussion, on 11 September 2020 at 6:30pm, featuring Judge Myers AM, Sarah Hopkins, Teela Reid and NSWCCL President Nicholas Cowdery AO QC is a call to action in relation to the implementation of the recommendations of the ALRC's report "Pathways to Justice", including a focus on the crucial need for a commitment to justice reinvestment and specialty courts (such as the Walama Court in NSW).

In 2018 the Australian Law Reform Commission (ALRC) was asked to consider laws and legal frameworks that contribute to the incarceration rate of Aboriginal and Torres Strait Islander peoples. Aboriginal and Torres Strait Islander adults make up around 2% of the national population, but constitute 27% of the national prison population. The ALRC Report, *Pathways to Justice*, was released in March 2018 and includes 35 recommendations, most of which have simply not been addressed.

His Honour Judge Matthew Myers AM, Commissioner in charge of the ALRC Inquiry, said that while the problems leading to the over-representation of Aboriginal and Torres Strait Islander peoples in prisons are complex, they can be solved,

"Law reform is an important part of that solution. Reduced incarceration, and greater support for Aboriginal and Torres Strait Islander people in contact with the criminal justice system, will improve health, social and economic outcomes for Aboriginal and Torres Strait Islander peoples, and lead to a safer society for all."

Since 2011 Just Reinvest NSW has been working to support communities to explore and establish justice reinvestment initiatives, including in Bourke, NSW. The focus is to reduce imprisonment rates by directing resources into building strong and safe communities, rather than funding prisons.

Sarah Hopkins, Chair of Just Reinvest NSW, believes that what is required is a shift in the way we view prevention, intervention and justice:

"If we are real about this, what is needed is not just a shift in funding out of prisons and the criminal justice system into crime prevention and early intervention, but a more fundamental shift in power from government to communities, including power over resources. This is about community aspirations and resilience."

Teela Reid, Wiradjuri and Wailwan woman, lawyer and human rights activist, says that if NSW is serious about protecting civil liberties, then it is time to get very uncomfortable with the status quo.

"The truth is Australia is a colony built on racism, it is written into the laws and operates within its institutions. Systemic racism requires systemic change. If you deny racism exists, then you are part of the problem. This land always was, always will be sovereign Aboriginal and Torres Strait Islander land, sky and sea."

Ms Reid asks if we are all prepared to confront our own power and privilege to dismantle the systemic racism that continues to oppress. She states that the Uluru Statement from the Heart and the Walama Court 'are radical attempts to change systems in our search for truth and justice.'

In considering the journey of Australia's First Nations peoples, NSWCCCL President Nicholas Cowdery AO QC believes we need to understand the history of colonialism and dispossession that has led to the disadvantage experienced by Aboriginal and Torres Strait Islander communities. In order to walk with Aboriginal and Torres Strait Islanders 'in a movement of the Australian people for a better future' as the Uluru Statement invites, then we also must acknowledge the resilience of Australia's Aboriginal and Torres Strait Islander peoples.

Mr Cowdery commented:

"Australia's First Nations peoples constitute the world's oldest living culture - over 65,000 years. Colonisation took away their land, languages and many traditions and has left them almost without a voice to power. That process has created social disadvantage leading directly to over-representation in prisons around the country.

...This panel will discuss how we reached this disgraceful situation, why now is the time to recognise the resilience of First Nations peoples and to do something about it – and what can be done, drawing upon a huge body of knowledge already assembled."

2020 has been a challenging year for many individuals and communities. For those who have experienced financial hardship, or are not in a position to pay for a registration, NSWCCCL is offering free registration.

"We want to share this important panel discussion with as many of our members and supporters, and beyond, as we can," says Mr Cowdery.

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Registrations - [https://www.nswccl.org.au/tickets\\_2020\\_nswccl\\_fundraiser](https://www.nswccl.org.au/tickets_2020_nswccl_fundraiser)

Free invitation - [https://www.nswccl.org.au/invitation\\_nswccl\\_2020\\_panel\\_discussion](https://www.nswccl.org.au/invitation_nswccl_2020_panel_discussion)

The NSWCCCL First Nations Justice panelists:

- Nicholas Cowdery AO, QC, President of the NSWCCCL
- Judge Myers AM, lead Commissioner of the ALRC's inquiry into Incarceration rates of Aboriginal and Torres Strait Islander Peoples
- Sarah Hopkins, Co-Chair of Just Reinvest NSW and the Managing Solicitor of Justice Projects at the Aboriginal Legal Service ACT/NSW
- Teela Reid, Wiradjuri and Wailwan woman, lawyer and human rights activist

The webinar discussion will be held on Friday 11th September at 6:30pm and will be moderated by the 2019 winner of the NSWCCCL Award for Excellence in Civil Liberties Journalism, Richard Ackland AM. The 2020 NSWCCCL Awards for Excellence in Civil Liberties Journalism will also be announced.