

## MEDIA RELEASE

Wednesday 29 March 2023

### **‘A life and death situation’: Andrews Government urged to act now on overimprisonment of Aboriginal people**

The Andrews Government has been urged by health experts, human rights advocates and legal experts to act now on the overimprisonment of Aboriginal people in youth and adult prisons. MPs, health experts, police, legal experts and Aboriginal leaders came together on Thursday 23 March for a panel discussion on the devastating impacts of the criminal legal, corrections and child protection systems, following a screening of landmark documentary *Incarceration Nation* shown at the Parliament of Victoria.

The panel spoke to an audience of cross-party parliamentary representatives and was led by Yorta Yorta and Narrandjeri woman Nerita Waight, CEO of the Victorian Aboriginal Legal Service; Gunditjmara woman Jill Gallagher AO, CEO of the Victorian Aboriginal Community Controlled Health Organisation; Yorta Yorta, Wemba Wemba and Barapa Barapa woman Apryl Day, founder of the Dhadjowa Foundation; and Liana Buchanan, Principal Commissioner for the Commission for Children and Young People.

Representatives from Victoria Police and the Victorian Inspectorate were also present.

With the Victorian Government recently committing to raising the age of criminal responsibility, the panel discussed the trauma and inefficacy of incarceration for Aboriginal children and the urgent need for early intervention and rehabilitation as alternatives.

The Victorian Aboriginal Legal Service is pushing for the government to raise the age of criminal responsibility to at least 14, and the minimum age of detention to 16.

Eliminating systemic racism in the criminal legal system was also a key topic amongst the panellists, who highlighted the examples of the tragic passings of Aboriginal women Veronica Nelson and Tanya Day in custody.

Panellists expressed frustration at the federal and state governments’ failures to implement important criminal justice law reforms, particularly the 339 recommendations of the 1991 Royal Commission into Aboriginal Deaths in Custody.

The discussion occurred hours before a Cultural Review of the Adult Custodial Corrections System was made public on Friday morning, noting that “cultural change across the Victorian adult custodial corrections system remains incomplete.”

The event was hosted by the Victorian Aboriginal Legal Service (VALS), the Victorian Aboriginal Community Controlled Health Organisation (VACCHO), the First Peoples’ Assembly of Victoria, the Human Rights Law Centre (HRLC) and Documentary Australia.

It also marked *Incarceration Nation*’s historic first screening in a parliamentary setting around Australia.

### Quotes attributable to Jill Gallagher AO:

*"We must look at the intervention and rehabilitation spaces. We need a Public Health approach – not privatisation."*

*"We also need to acknowledge the vital role Aboriginal and Torres Strait Islander culture plays as a protective factor for Community."*

### Quotes attributable to Nerita Waight:

*"Let's not pretend Parliament isn't a powerful organ of the state. They can ask the relevant questions. There are things they can do... we need to partner that with social action."*

*"Aboriginal legal services are an essential element of self-determination, and the Government has the chance to support our work to address the unmet needs of our communities through stronger funding."*

*"We have been banging on Parliament's door for years about bail reform and raise the age, but they do nothing."*

### Quotes attributable to Liana Buchanan:

*"The science is clear; children under the age of 14 simply do not have sufficiently developed brains or the capacity for consequential thinking for it to make sense to hold them account as criminally responsible."*

*"Incarcerating children is a completely ineffective response. It does nothing to address the reasons that that child got into trouble with police in the first place and ultimately makes the community less safe rather than more safe."*

### Quotes attributable to Apryl Day:

*"If we had seen the recommendations from the Royal Commission put into practice, Mum would still be here. Veronica would still be here. It's going to continue until there's a stop put to it."*

*"We need action and commitment ... meaningfully implementing something is different to just treating it as a tokenistic gesture to cross it off the list of 339. It's a life and death situation."*

### Guest speakers

- Nerita Waight (Yorta Yorta and Narrandjeri) - CEO of Victorian Aboriginal Legal Service (VALS)
- Jill Gallagher, AO (Gunditjmara) – CEO of Victorian Aboriginal Community Controlled Health Organisation (VACCHO)
- Apryl Day (Yorta Yorta, Wemba Wemba and Barapa Barapa) – Founder of the Dhadjowa Foundation
- Liana Buchanan – Principal Commissioner for Children and Young People

### About the film

*Incarceration Nation* is a ground-breaking documentary that lays bare the story of the continued systemic injustice and inequality experienced by Aboriginal and Torres Strait Islander peoples in this country. Told by First Nations voices, experts and academics, the film explores the firsthand devastation by those affected, meets those who are trying to make a difference and discusses this systemic problem with some of our nation's brightest minds.

This issue is explored through archive footage and interviews with experts and academics including Federal Circuit Court Judge Matthew Myers, Australia's Human Rights Commissioner from 2009 – 2016 Mick Gooda, barrister Joshua Creamer, and lawyer Teela Reid. *Incarceration Nation* also amplifies the voices of those with lived experience - Keenan Mundine, Carly Stanley as well as the Dungay, Fisher, Day and Hickey families who each share the trauma of losing a family member whilst they were in custody.

Through these perspectives, *Incarceration Nation* reflects on Australia's history, and how massacres, child removals, stolen wages, denial of education and over-policing, racism and systemic bias have continued to drive overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system, and the devastating impact it continues to have.

The film premiered on NITV and SBS and was selected for competition at the Sydney Film Festival 2021 and the Human Rights and Arts and Films Festival 2022. *Incarceration Nation* was nominated for a Walkley Award for Documentary in 2021 and won the Logie Award for Most Outstanding Documentary Program in 2022.

**Incarceration Nation** was directed by Guugu Yimithirr filmmaker Dean Gibson, produced by Helen Morrison and is a Bacon Factory Films and Bent 3 Land production. The film's impact and outreach campaign is supported by Documentary Australia.

### About the partner organisations

**The Victorian Aboriginal Legal Service** was established as a community controlled co-operative in 1973, and provides legal support to Aboriginal and Torres Strait Islander peoples in the State of Victoria, specialising in Criminal Law, Family Law and Civil Law.

**The Victorian Aboriginal Community Controlled Health Organisation** is the peak representative body for the health and wellbeing of Aboriginal and Torres Strait Islander people in Victoria, representing 32 member Aboriginal Community Controlled Organisations and providing support to over 65,000 Aboriginal and Torres Strait Islander people across the state.

**The First Peoples' Assembly of Victoria** is the independent and democratically elected body to represent Traditional Owners of Country and Aboriginal and Torres Strait Islander peoples in Victoria. They are the democratic voice for Aboriginal and Torres Strait Islander people on the journey to Treaty in Victoria.

**The Human Rights Law Centre** is an independent organisation that protects and promotes human rights in Australia. They use strategic legal action, policy solutions and advocacy to support people and communities to eliminate inequality and injustice and build a fairer, more compassionate Australia.

**Documentary Australia** is a unique non-profit that supports filmmakers and organisations on the front-lines of social change, amplifying powerful documentaries to inspire action on the critical social issues of our time.

Click [here](#) for images.

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