

# **Disadvantage, Drugs and Gaol:**

## **Re-thinking Indigenous Over-representation in Prison<sup>1</sup>**

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## Introduction

Not long after the first fleet arrived in Sydney Harbour, the local Cadigal people began harassing the new arrivals to get them out. The colonial authorities were so angered by this behaviour they resolved to kidnap and imprison some Aboriginal people in order, to: (and I quote) “unveil their mysterious conduct.”

On the 31<sup>st</sup> of December 1788, two Navy Lieutenants sailed down to Manly Cove where a number of Cadigal people had been seen standing on the beach. After enticing one of them closer with a few presents, they seized him and fastened with ropes to the thwarts of the boat, whereupon he let out what one contemporary observer described as piercing and lamentable cries of distress.<sup>1</sup> Those cries of distress have continued without interruption ever since.

Today, nearly two hundred and twenty years after the first Aboriginal person was seized colonial authorities; Aboriginal people make up less than 2 per cent of the Australian adult population, but 22 per cent of all adult Australian prisoners.<sup>2</sup> The rate of Indigenous imprisonment is now more than 12 times that of non-Indigenous Australians.<sup>3</sup> This is larger than the disparity between African-American and white imprisonment rates in the United States.<sup>4</sup>

Longitudinal studies paint an even more depressing picture. An Aboriginal kid aged between 10 and 14 making his first appearance in the NSW Children’s Court can expect to accumulate 12 more court appearances over the following eight years. A third of the Indigenous young people who appear in the NSW Children’s Court this year will end up in an adult prison within eight years.<sup>5</sup>

There is no way of knowing whether these patterns are replicated in other jurisdictions but it would be fairly safe to assume they are. This is not what Indigenous Australians were led to expect when Paul Keating proclaimed in Federal Parliament that:

‘...there is no more central issue to our national identity and self-esteem than the injustices brought home to us all by the Royal Commission into Aboriginal Deaths in Custody’.<sup>6</sup>

So how did it come to this? Why, after all the hope and effort over the last 15 years are rates of Indigenous imprisonment higher now than they’ve ever been?

The standard answer to this question from progressives and conservatives alike is that we’ve failed to reduce Indigenous disadvantage. They’re now engaged in the usual acrimonious exchanges over how this state of affairs came about.

A few years ago, in an address that attracted a good deal of attention, Noel Pearson argued that Indigenous drug and alcohol abuse are far more important causes of Indigenous incarceration than economic and social disadvantage.<sup>7</sup> In fact Pearson argued that, far from being a symptom of Indigenous disadvantage, drug and alcohol abuse was its principal cause.

Pearson's views were shaped in part by Nils Bejerot, a Swedish psychiatrist made famous by the fact that he coined the term 'the Stockholm syndrome.' Bejerot's strident advocacy for zero tolerance on drugs has made him something of a pariah amongst liberal reformers and drug harm reduction advocates. As a result, Noel Pearson's views on Indigenous imprisonment, though widely reported, have not received the bi-partisan support from policy makers that they deserve.

What I want to do today is develop some of arguments that Noel Pearson laid down in his address and try to show that they can be sustained without reference to the work of Nils Bejerot. To get started, let's go back for a minute to the Royal Commission into Aboriginal Deaths in Custody.<sup>8</sup>

### **Indigenous over-representation in prison: the standard model**

Soon after the Commission began its work it was presented with evidence that Aboriginal people were not more likely to die in custody than non-Aboriginal people, they were simply turning up in custody a lot more often.<sup>9</sup> This turned what had been a coronial enquiry into an investigation into the causes of Indigenous incarceration.

Now a social scientist might have approached this task by developing alternative hypotheses about the factors influencing Indigenous imprisonment, and then testing these hypotheses against the available evidence. The Royal Commission, though, did what Royal Commissions do: it took submissions from a wide range of interested parties. As a result, the Commission found itself confronted with an avalanche of evidence implicating a multitude of factors any or all of which could, directly or indirectly, contribute to Indigenous over-representation in prison.

The factors considered by the Commission included drug and alcohol abuse, poor school performance, poor parenting, poverty, unemployment, low wages, poor housing, geographic mobility, peer group pressure, welfare dependence, the age structure of the Indigenous population and institutional racism, just to name a few.<sup>10</sup> But the Commission didn't have the expertise, knowledge or time required to analyse the connections between these problems, or rank them in any order of priority. It argued that Indigenous imprisonment is simply a manifestation of Indigenous cultural, social and economic disadvantage, in all their manifold forms.

Thus began what Noel Pearson later referred to as the symptom theory of Indigenous incarceration.<sup>11</sup> According to this theory, the high rate of Indigenous imprisonment is nothing more or less than a symptom of Indigenous disadvantage. Reduce the disadvantage, so the argument goes, and you'll reduce the number of Indigenous people in prison.

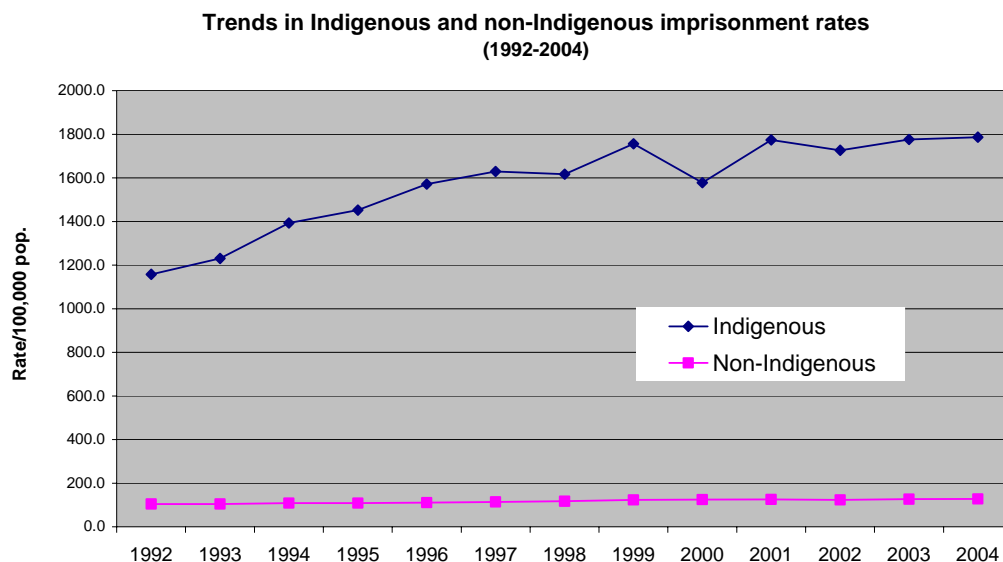
If this idea seems familiar to you it's because it has its origins in the notion that crime itself is a product of economic and social disadvantage, a notion that motivated the US War Against Poverty mounted by Presidents Kennedy and Johnson back in the 1960s.<sup>12</sup> The thing about the War on Poverty, though, is that it had no discernible effect on crime. Indeed, far from declining after the War on Poverty began, crime rates actually increased.<sup>13</sup>

There's no way of knowing what the Keating Government privately thought about the Commission's recommendations on Indigenous imprisonment. Publicly, though, it

had little choice but to accept them. So it was that on June 24, 1992, the Keating Government accepted all but one of the Commission's 339 recommendations and allocated \$400 million to reducing Indigenous economic and social disadvantage.

It's worth noting in passing that, although its principal focus was on reducing Indigenous economic and social disadvantage, the Keating Government recognised the need to reduce Indigenous drug and alcohol abuse. About 18 per cent of the \$400 million was set aside to deal with this problem. Most, if not all of this money, though, was directed toward treatment rather than toward measures that might help reduce the availability of alcohol and illicit drugs in Indigenous communities.<sup>14</sup> This is an important point I'll come back to later on.

For the moment the main point I want to make is that Government responses to the Royal Commission had no effect on the rate Indigenous imprisonment at all. Indeed, in a tragic mirror image of what happened in the US after War on Poverty, the rate of Indigenous imprisonment steadily got worse. When the Royal Commission completed



its report, the Indigenous imprisonment rate stood at 1,158 per 100,000 people. By 2004, it was 1,787 per 100,000 people,<sup>15</sup> an increase of nearly 55 per cent.<sup>16</sup>

The rise in Indigenous imprisonment rates raises an obvious question. As Noel Pearson put it in his Charles Perkins oration:

‘How do we explain this madness? How can a country and a people invest so much deliberation in producing recommendations and policies—and spend so much money—yet achieve no improvement in criminal justice overrepresentation.’<sup>17</sup>

The standard answer to this question is that there has been little reduction in Indigenous disadvantage. The life expectancy of Indigenous people is still 17 years lower than it is for non-Indigenous people, recorded rates of child neglect and abuse are up to 10 times higher, the rate of intentional self-harm has increased, the rate of high school completion is still only half that of non-Indigenous children, the

unemployment rate remains three times higher and substance abuse remains very deeply entrenched.<sup>18</sup>

The trouble with this answer is that it just shifts the problem back a step. Why has so little progress been made in addressing Indigenous disadvantage? Conservatives and progressives divide as they normally do on this issue, with progressives blaming inadequate Federal Government funding<sup>19</sup> or failure to properly implement the Royal Commission recommendations<sup>20</sup> and conservatives saying it's not the money or the recommendations but the way the money has been spent.

Senator Rachel Siewart from the Australian Greens, for example, claims that another \$2.1 billion dollars is needed to improve Aboriginal housing, and another \$250-\$500 million per year is needed to bring Indigenous health standards up to those of non-Indigenous Australians.<sup>21</sup> Helen Hughes and Jenness Warin from the Centre for Independent Studies, on the other hand, blame Indigenous disadvantage on over-generous welfare policies, communal land ownership and what they rather provocatively call apartheid, by which they mean policies designed to preserve the language and culture of remote Indigenous communities.<sup>22</sup> They maintain that uneconomic remote homelands and the absence of private property rights under native title legislation lie at the core of Indigenous deprivation.

I don't want to spend too much time on the politics of Indigenous disadvantage but I do want to note two points. The first is that it seems to me to be irresponsible to persevere with our current approach to reducing Indigenous disadvantage in the forlorn hope that, if we just throw enough money at the problem, it will eventually go away. We owe it to Indigenous Australians as well as to the taxpayer to find out where things might have gone wrong. The second is that, if communal land rights and policies to preserve Indigenous culture were really the cause of Indigenous disadvantage, urban Aboriginal people would be doing much better than their counterparts in rural and remote Australia. As Boyd Hunter has shown recently, they are not.<sup>23</sup>

The thing that neither progressive nor conservative political commentators on Indigenous affairs seem to have considered; is the possibility that the symptom theory of Indigenous incarceration may be wrong. What I want to do in the next part of my paper is explore this issue in greater detail.

## **Problems with the standard model: results from the 2002 NATSIS survey**

We're accustomed to thinking about cause and effect in linear terms. Whenever a tragedy occurs, we search the chain of events that led up to it, looking for the root cause, the thing but for which the tragedy wouldn't have happened. This is a sensible approach when a tragedy is caused by natural disaster or human error. Some tragedies, though, are kept alive, not by their root causes, but by their effects.

The destruction of Aboriginal culture and the appropriation of Aboriginal lands would have left a legacy of anger, hopelessness and despair. This legacy, and the experience of being social outcasts in their own land, would have rendered Aboriginal people or anyone else for that matter, highly susceptible to substance abuse, violence and self-

harm. That susceptibility was unquestionably an important ingredient in the epidemic of alcohol abuse that followed European settlement, as was the lack of any shared experience in managing alcohol or its effects.

If you look at the limited historical evidence, though, the trigger for widespread Aboriginal alcohol abuse was not colonisation and dispossession but access to alcohol and, in some locations, encouragement to use it.<sup>24</sup> As Saggars and Gray<sup>25</sup> point out, in the 19<sup>th</sup> century, colonial Governments prohibited the sale of alcohol to Aboriginal people. Those prohibitions came to symbolise the discriminatory treatment of Aboriginal people under Australian law. As Brady points out, by the 1960s liquor had become a potent symbol of emancipation, and ‘the drinking of alcohol had become inextricably associated with equality and status.’<sup>26</sup>

This is a critical point.

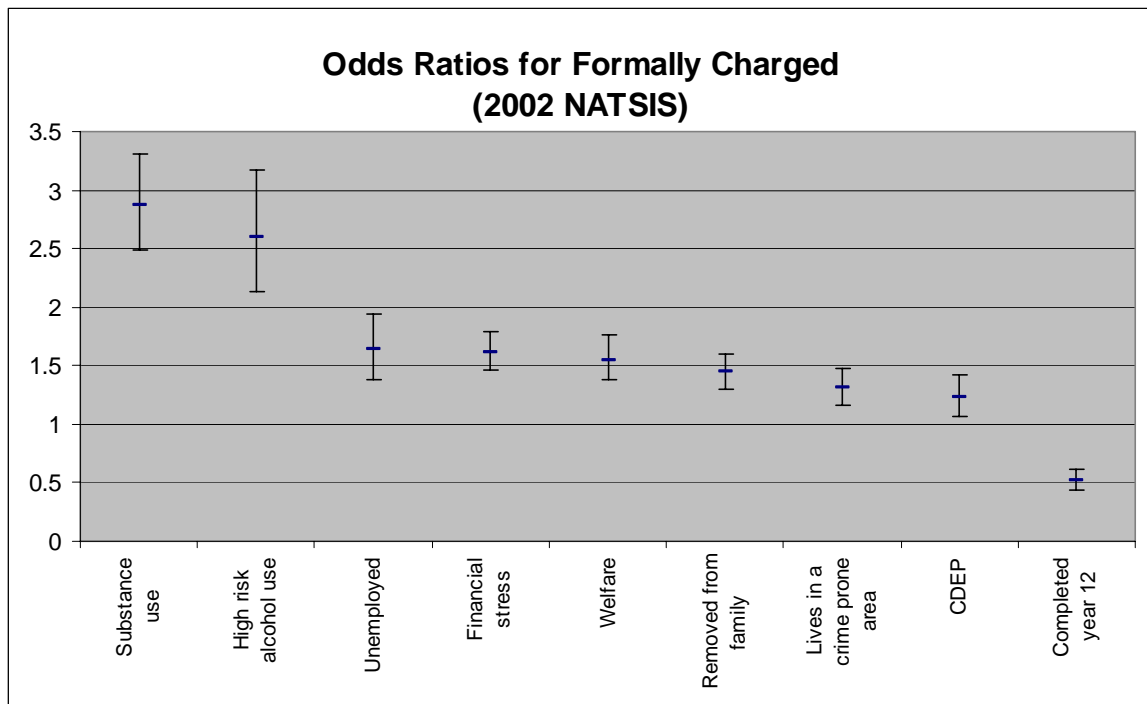
Parental modelling, peer influence and substance availability are extremely potent influences on drug and alcohol abuse.<sup>27</sup> There had always been Indigenous drinkers but very soon after the prohibition against selling alcohol to Indigenous Australians was dropped, reports of Indigenous alcohol abuse began to surge.<sup>28</sup> We can reasonably assume that as the number of alcohol abusing parents and peers rose, the number of Indigenous children initiated into alcohol abuse rose with it. Like all epidemics, the process of Indigenous alcohol abuse would have become autocatalytic, propped up on the one hand by an endless supply of young people rendered vulnerable to substance abuse by substance abusing parents and, on the other, by the endless spectacle of older siblings and peers already taking refuge in drink. In some areas Indigenous alcohol abuse may have begun to fuel local economies, making it even harder for Aboriginal people and outside authorities to break this vicious cycle<sup>29</sup>. And of course, once heroin, cocaine, cannabis and other illicit drugs became fashionable and easy to obtain, a younger generation of Indigenous Australians would have turned to these drugs for escape rather than to alcohol.

The Royal Commission didn’t have much quantitative research on the contribution of alcohol to Indigenous imprisonment, but it did receive persuasive submissions on the issue from scholars such as Maggie Brady and Peter d’Abbs. Their submissions were later confirmed by David McDonald’s 1992 national survey of police detainees, which revealed that 46 per cent of all Indigenous detentions by police were for public drunkenness.<sup>30</sup> In the years that followed, the evidence linking alcohol abuse to Indigenous arrest and imprisonment continued to mount.

In 1994, Hall, Hunter and Spargo<sup>31</sup> found that the risk of an Indigenous person ever having been held in a police lockup, increased with the frequency of drinking and the amount of alcohol consumed, even after controlling for respondent age and sex. In 2001, Boyd Hunter,<sup>32</sup> using data drawn from the 1994 NATSIS showed that the marginal effect of alcohol use on the risk of arrest was as large as that of unemployment. In 2002, Butler, Levy, Dolan and Kaldor<sup>33</sup> found that 28 per cent of all Indigenous prisoners in NSW were intoxicated at the time of the offence that led to their imprisonment. The corresponding figure for non-Indigenous prisoners was just 11 per cent.

The 2002 NATSISS provides the best opportunity so far through which to quantify the contribution of drug and alcohol abuse to Aboriginal arrest and imprisonment. Lucy Snowball, Boyd Hunter, and I<sup>34</sup> recently took that opportunity to have a closer look at the factors that lead Indigenous Australians into the justice system.

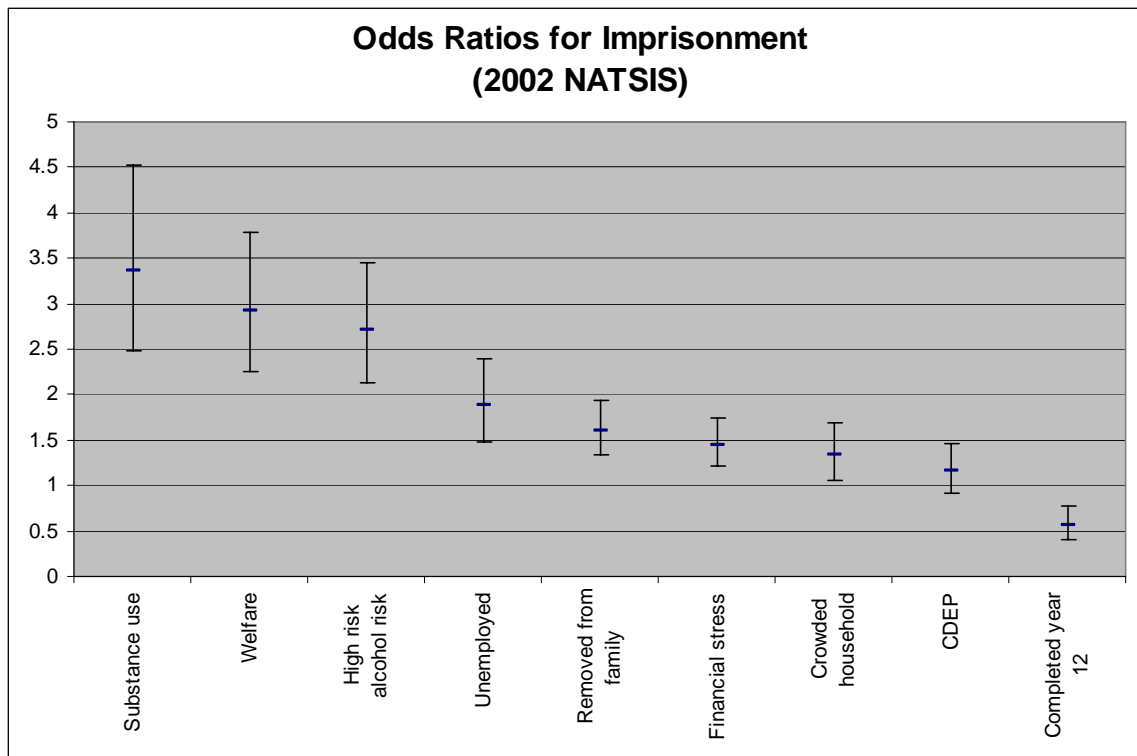
The figure below, which is drawn from our paper, shows the results of regressing the risk of having ever been charged against variables measuring drug and alcohol abuse and a number of other conditions that put people at risk of involvement in crime.



Each point on the graph shows the odds ratio associated with the factor below it. The wings around each point show the confidence interval associated with the odds ratio. For those of you unfamiliar with logistic regression, odds ratios above one indicate that the factor in question increases the risk of being charged. Odds ratios below one indicate that the factor in question reduces the risk of being charged.

As you can see from the point on the far right of the figure, the only factor in the model that reduces the risk of being charged is completing year 12. As you can see from the points on the far left hand side of the figure, the two most important predictors of being charged are alcohol and illicit drug abuse. These factors exert bigger effects than unemployment, financial stress or living in a crime-prone area.

This next figure shows the results of regressing the risk of imprisonment over the last five years against the same set of factors.



Here the economic variables appear to play a bigger role but drug abuse remains the strongest independent predictor of Indigenous imprisonment and alcohol abuse comes in third.

It's important to remember, though, that the NATSISS variables measuring drug and alcohol abuse really only capture the *direct* effects of these factors. They have powerful indirect effects as well, some of which are probably hidden in the effects of our other variables.<sup>35</sup> There's a large body of research, for example, showing that substance abuse exerts a corrosive effect on the quality of parenting children receive.

In their longitudinal study of over 7,000 American families, Chaffin, Kelleher and Hollenberg<sup>36</sup> found that, even after controlling for income and other relevant factors, the odds of self-reported child neglect were more than 3 times higher for parents meeting DSM requirements for substance abuse, than for those who do not meet those requirements. For child abuse, the odds were 2.9 times higher. The significance of this finding, of course, is that child neglect and abuse greatly increase the risk of involvement in crime and, by extension, the risk of arrest and imprisonment.<sup>37</sup>

It's no accident then, that Indigenous Australians have extraordinarily high rates of drug and alcohol abuse, child maltreatment and juvenile involvement in crime. The three problems are inextricably intertwined.

### Future directions

So where do we go from here?

Well, notwithstanding everything I've just said, I don't want to be taken as arguing that alcohol and drug abuse are the sole cause of Indigenous over-representation in prison. There's no doubt that problems like poor parenting, poor school performance and unemployment make their own independent contribution to Indigenous arrest and imprisonment—just as arrest and imprisonment probably aggravate substance abuse, poor parenting and unemployment.<sup>38</sup> The trouble is; it's hard to make progress in dealing with problems like poor parenting, poor school performance and unemployment without first making headway in reducing drug and alcohol abuse.

Chronically intoxicated parents end up with developmentally compromised children who lack social skills, do poorly at school and have trouble finding and keeping work. So if there's any thread that unties the Gordian knot, in my view, it's the one connected to drug and alcohol consumption.

Past policy on Indigenous alcohol abuse seems to have been focussed much more on treatment and harm mitigation, than on supply control. We've preached the gospel of restraint while permitting commercial practices and arrangements that in effect, if not design, increase alcohol consumption and abuse.

This makes no sense at all. The cost of alcohol and laws governing its sale and distribution are surely far more important influences on the level of alcohol consumption and abuse than treatment and education. At all events, if you think alcohol is causing a great deal of harm in some segment of the population, it's better to have both supply and demand side strategies rather than to rely solely on one or the other.

Our reluctance to tackle the supply-side of the equation has seriously constrained our capacity to reduce alcohol-related crime, not just in Aboriginal communities but in non-Aboriginal communities as well. Over the period 2004-2005, 40 per cent of all assaults and sexual assaults in NSW were alcohol-related. Where Aboriginal offenders are concerned, that figure rises to fifty-five percent. Where Aboriginal offenders involved in domestic assault incidents in rural areas are concerned, the figure rises to 65 per cent.<sup>39</sup> If you could halve the number of Indigenous offenders currently languishing in Australian prisons for assault, murder or sexual assault, the number of Indigenous offenders in prison would drop by 20 per cent. It's time we stopped being hypocritical about alcohol and faced up to the harm that it causes.

Two decades ago, many people would have seen any effort to limit Indigenous access to alcohol as a return to the discriminatory policies of the 19<sup>th</sup> century. But as Maggie Brady points out, in the late 1980s and early 1990s, Aboriginal women led what was effectively a temperance movement in central and northern Australia.<sup>40</sup> I vividly recall a group of Pitjantjatjara women at a conference I attended in Canberra in the early 1990s pleading for greater control over a roadhouse selling alcohol on the road into their own community.

We can't and shouldn't try to reinstate the 19<sup>th</sup> century prohibition against selling alcohol to Indigenous Australians. We don't need to. Research by d'Abbs, Douglas, Chikritzhs and others has shown that it's possible to reduce alcohol-related crime and violence through measures that strengthen the capacity of Aboriginal people to restrict the sale of alcohol in their own community.<sup>41</sup>

But it's no use passing laws that allow Aboriginal communities to restrict the sale of alcohol, if those laws aren't properly enforced. And this is one of the areas where we've been falling down, not only in Aboriginal communities but in non-Aboriginal communities as well. All States and Territories have laws against serving alcohol to intoxicated people, but those laws don't seem to be very vigorously enforced. Neil Donnelly's research in NSW has shown that bar staff continue serving alcohol to intoxicated people even when it's patently obvious that they're drunk.<sup>42</sup> This is the kind of practice that has to change if we want to reduce alcohol-related crime and violence.

Good enforcement, let me make it clear, doesn't mean jumping on the slightest breach of any restriction. The best policing is always policing by consent. Police need to work closely with Aboriginal communities that decide to go down the restricted access route, to ensure that there is an agreed approach to the enforcement of restricted access laws.

Now of course, supply controls like those put in place in Halls Creek are much easier to implement in isolated rural communities than in urban environments. But there *are* ways of pursuing supply control policy even in big cities. We can impose a tax on high strength alcohol products. We can limit the number of liquor outlets in an area or limit their trading hours. We can put more effort into prosecuting licensed premises that make a habit of selling alcohol to intoxicated people. We can remove the licenses of those who are repeatedly the site of alcohol-related crime, or which persistently flout the law in relation to the responsible service of alcohol. The Linking Project in NSW suggests that even something as simple as keeping publicans informed about the harm their patrons cause may result in a reduction in alcohol-related crime.<sup>43</sup>

Supply control policy, of course, also has a critical role to play in reducing illicit drug consumption and drug-related harm. If there was ever any doubt about this, the heroin shortage should have dispelled it. The number of Aboriginal people arrested for heroin use/possession in NSW is now less than a quarter of what it was back in 1999, before the heroin shortage hit.<sup>44</sup> I realise that some people still question whether drug law enforcement was responsible for the heroin shortage, but I think this concern misses the point. Even if the heroin shortage was not caused by drug law enforcement we now know that demand for addictive drugs, like heroin, is highly price elastic. No one doubts that supply-side drug law enforcement keeps illicit drug prices higher than they would otherwise be. No one therefore should doubt that drug law enforcement has a critical role to play in limiting overall levels of illicit drug consumption and drug-related harm.

Now you might think that police need no encouragement to engage in drug law enforcement but this is not entirely true. Police have historically tended to focus a lot more attention on big urban drug markets, like Cabramatta, than on illicit drug markets in isolated rural communities. This is entirely understandable. Big drug markets attract a lot more political attention than small drug markets. It's also much harder to find out who is doing the drug trafficking in Aboriginal communities than it is to find out who is doing the trafficking in places like Cabramatta or Kings Cross.

The historical lack of attention given to illegal drug trafficking in Aboriginal communities is nevertheless highly regrettable. There are no reliable figures but the damage done by illicit drugs per head of population may be much higher in isolated communities like Bourke than in suburbs like Redfern and Cabramatta.<sup>45</sup>

Fortunately, police attitudes toward illicit drug markets in remote and rural communities are now beginning to change. A number of States and Territories have developed quite detailed strategies for tackling illicit drug trafficking in Aboriginal communities.<sup>46</sup> As with alcohol, though, it's very important to involve Aboriginal people in developing these strategies,<sup>47</sup> and not just charge in without regard to the collateral damage that police crackdowns can sometimes do.<sup>48</sup> Police need to build local community support for drug law enforcement by talking to local communities about the damage caused by alcohol, inhalants and illegal drugs. They need to work closely with local public health officials to explain how those needing treatment can obtain it.

Of course, the law and order brigade will reflexively dismiss these concerns as just another case of going soft on crime—but you can't get good intelligence on drug traffickers without community cooperation. And you're not going to get that cooperation if police march in like storm troopers; turning houses and people upside down.

## **Conclusion**

I began this talk by pointing out that, despite the Royal Commission and the expenditure of vast sums of money, we have made no headway at all in reducing Indigenous over-representation in prison. I've argued that the reason for the lack of progress is the failure to recognise that the leading cause of Indigenous over-representation in prison is Indigenous drug and alcohol abuse.

Some will inevitably argue that this is being simplistic and that Indigenous contact with the criminal justice system is the result of a complex multitude of factors. They'll argue that it's dangerous to put too much emphasis on any one factor and that we need a complex multi-pronged strategy to get Indigenous imprisonment rates down. My response to this is to say that for 15 years we have dissipated our energy and resources in a vast array of initiatives and reforms without seeing any improvement in rates of Indigenous imprisonment.

Indigenous drug and alcohol abuse is certainly not the sole point of leverage on Indigenous imprisonment but, as I argued earlier, progress on this problem is necessary if we are to make substantial progress in other important areas like parenting, school performance and employment

Noel Pearson was right. Far from being just a symptom of Indigenous poverty and disadvantage, drug and alcohol abuse have become its principal sponsor and cause, ruining Aboriginal lives, destroying Aboriginal families and robbing thousands of Aboriginal kids of their heritage, a decent upbringing and a job.

## Notes

- <sup>1</sup> From the journal of Watkin Tench. <http://gutenberg.net.au/pages/tench.html>
- <sup>2</sup> Australian Bureau of Statistics 2005a, *Prisoners in Australia*, Australian Bureau of Statistics Cat. No. 4517.0. The data for these calculations are taken from Table 5 (p. 15), Table A1 (p. 48) and Table A2 (p. 49).
- <sup>3</sup> Ibid, p. 32.
- <sup>4</sup> At year end 2004, there were 3,218 black male sentenced prisoner inmates per 100,000 black males in the United States, compared with 463 white male inmates per 100,000 of population (US Bureau of Justice Statistics 2006, <http://www.ojp.usdoj.gov/bjs/prisons.htm>). In other words, the black male imprisonment rate in the United States is about 6.95 times the white male imprisonment rate. The crude (non age-adjusted) imprisonment rate for Indigenous Australians is more than 16 times higher than the corresponding imprisonment rate for non-Indigenous Australians (Australian Bureau of Statistics 2005b, *Population by Age and Sex, Australian States and Territories, June 2005*, Australian Bureau of Statistics Cat. No. 3201.0, Canberra ).
- <sup>5</sup> Chen, S., Matruglio, T., Weatherburn, D. & Hua, J. 2005, *The Transition from Juvenile to Adult Criminal Careers*, Crime and Justice Bulletin 86, NSW Bureau of Crime Statistics and Research, Sydney.
- <sup>6</sup> Parliamentary Statement by former Prime Minister, the Hon. PJ Keating MP on the 24th of June 1992, announcing the Commonwealth's response to the Royal Commission into Aboriginal Deaths in Custody. The speech is reproduced in Cunneen, C. & McDonald, D. 1997, *Keeping Aboriginal and Torres Strait Islander People Out of Custody*, Commonwealth of Australia, Canberra.
- <sup>7</sup> Pearson, N. 2001, *On the Human Right to Misery, Mass Incarceration and Early Death*, the Charles Perkins Memorial Oration, MacLaurin Hall, University of Sydney, 25th of October, 2001.
- <sup>8</sup> Commonwealth of Australia (1991) *Royal Commission into Aboriginal Deaths in Custody*, Commonwealth of Australia, Canberra, vols. 1-4.
- <sup>9</sup> Thomson, N. & McDonald, D. 1992, *Australian Deaths in Custody 1980-89: An epidemiological analysis of the relative risks of death for Aboriginal and non-Aboriginal people*, Research Paper No. 20. In Biles, D. & McDonald, D. 1992, *Deaths in Custody, Australia: 1980-1989*, Australian Institute of Criminology, pp. 552-570.
- <sup>10</sup> The material on these issues is appears in a variety of locations throughout volumes 1 and 2 of the Commission's reports. Material on drug and alcohol abuse can be found in chapters 11 and 15 of volume 2. Material on education, unemployment, housing and poverty can be found in Chapter 15-18.
- <sup>11</sup> Pearson, N. 2001, op.cit. p. 3.
- <sup>12</sup> Vold, G.B., Bernard, T.J. & Snipes, J.B. 1998, *Theoretical Criminology*, Oxford University Press, pp. 168-169.
- <sup>13</sup> Cohen, L. E. & Felson, M. 1979, 'Social change and crime rate trends: A routine activity approach', *American Sociological Review*, 44, pp. 588-608.
- <sup>14</sup> Cunneen, C. & McDonald, D., 1997, op.cit. pp. 224-225.
- <sup>15</sup> Australian Bureau of Statistics 2005, op.cit. p. 32.
- <sup>16</sup> Australian Institute of Criminology, 2006, Unpublished data provided by Mr Max Kwiatkowski.
- <sup>17</sup> Pearson, K. 2001, op.cit. p. 17.
- <sup>18</sup> Productivity Commission 2005, *Overcoming Indigenous Disadvantage, Key Indicators 2005*, Commonwealth of Australia, Canberra.
- <sup>19</sup> See, for example, the comments of the Senator Rachel Siewert from the Australian Greens in response to the Federal Budget. [http://www.rachelsiewert.org.au/600\\_media\\_sub.php?deptItemID=109](http://www.rachelsiewert.org.au/600_media_sub.php?deptItemID=109)
- <sup>20</sup> Cunneen, C. & McDonald, 1997, op.cit. p.7.
- <sup>21</sup> Ibid.
- <sup>22</sup> Hughes, H. & Warin, J. 2005, *A new deal for Aborigines and Torres Strait Islanders in Remote Communities*, Issue Analysis No. 54, Centre for Independent Studies, Sydney.
- <sup>23</sup> Hunter, B. 2006, Arguing over [the] remote control: *Why Indigenous policy needs to be based on evidence and not hyperbole*. ANU Public Lecture Series, Thursday 3 August 2006, 5:30pm, Lecture Theatre 3, Manning Clark Centre, Union Court, ANU
- <sup>24</sup> Hunter, E. 1993, *Aboriginal Health and History: Power and prejudice in remote Australia*, Cambridge University Press, Cambridge, pp. 90-91.
- <sup>25</sup> Sagers, S. & Gray, D. 1997, 'Supplying and promoting 'grog': the political economy of alcohol in Aboriginal Australia', *Australian Journal of Social Issues*, 32(3), pp. 215-237.

- <sup>26</sup> Brady, M. 2004, *Indigenous Australia and Alcohol Policy: Meeting difference with indifference*, UNSW Press, p. 58.
- <sup>27</sup> Hawkins, J.D., Catalano, R.F. & Miller, J.Y. 1992, 'Risk and Protective Factors for Alcohol and Other Drug Problems in Adolescence and Early Adulthood: Implications for Substance Abuse Prevention', *Psychological Bulletin*, 112(1), pp. 64-105. See also: Lane, J. Gerstein, D., Huang, L. & Wright, D. 2006, *Risk and Protective Factors for Adolescent Drug Use: Findings from the 1997 National Household Survey on Drug Abuse*, Office of Applied Statistics, US Department of Health, <http://www.oas.samhsa.gov/NHSDA/NAC97/COVER.htm>
- <sup>28</sup> See, for example, Eggleston, E. 1976, *Fear, Favour or Affection*, Australian National University, Canberra, pp. 220-222. See also Hunter, E. 1993, op.cit. pp. 116.
- <sup>29</sup> Hunter, E. 1993, op.cit. p. 91.
- <sup>30</sup> McDonald, D. 1992, *National Police Custody Survey August 1988 National Report*, Research Paper 13. In D. Biles & D. McDonald (eds), *Deaths in Custody Australia, 1980-1989: The Research Papers of the Criminology Unit of the Royal Commission into Aboriginal Deaths in Custody*, Australian Institute of Criminology, Canberra, pp. 303-350.
- <sup>31</sup> Hall, W., Hunter, E. & Spargo, R. 1994, 'Alcohol use and Incarceration in a Police Lockup among Aboriginals in the Kimberley Region of Western Australia', *The Australian and New Zealand Journal of Criminology*, 27(1), pp. 57-73.
- <sup>32</sup> Hunter, B. 2001, *Factors underlying Indigenous arrest rates*, NSW Bureau of Crime Statistics and Research, Sydney.
- <sup>33</sup> Butler, T., Levy, M., Dolan, K. & Kaldor, J. 2003, 'Drug Use and its Correlates in an Australian Prisoner Population', *Addiction Research and Theory*, 11(2), pp. 89-101.
- <sup>34</sup> Weatherburn, D., Snowball, L. & Hunter, B. 2006, *The economic and social factors underpinning Indigenous contact with the justice system: Results from the 2002 NATSISS survey*, Crime and Justice Bulletin 104, NSW Bureau of Crime Statistics and Research, Sydney. Forthcoming.
- <sup>35</sup> For an elaboration of these indirect effects see Hunter, E. 1993, op.cit. pp. 118-124.
- <sup>36</sup> Chaffin, M., Kelleher, K. & Hollenberg, J. 1996, 'Onset of physical abuse and neglect: Psychiatric, substance abuse, and social risk factors from prospective community data', *Child Abuse and Neglect*, 20(3), pp. 191-203.
- <sup>37</sup> Loeber R., & Stouthamer-Loeber, M. 1986, 'Family factors as correlates and predictors of juvenile conduct problems and delinquency', in *Crime and Justice: An Annual Review of Research*, vol. 7, eds M. Tonry & N. Morris, University of Chicago Press, Chicago, pp. 29-149.
- <sup>38</sup> See, for example, Hunter, B. & Borland, J. 1999, *The effect of arrest on Indigenous employment prospects*, Crime and Justice Bulletin 45, NSW Bureau of Crime Statistics and Research, Sydney.
- <sup>39</sup> Unpublished data, NSW Bureau of Crime Statistics and Research.
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- <sup>41</sup> Gray, D., Saggars, S., Sputore, B. & Bourbon, D. 2000, 'What works? A review of evaluated alcohol misuse interventions among Aboriginal Australians', *Addiction*, 95(1), pp. 11-22.
- <sup>42</sup> Donnelly, N. & Briscoe, S. 2002, *Young adults' experience of responsible service practice in NSW*, Alcohol Studies Bulletin No. 3, NSW Bureau of Crime Statistics and Research, Sydney.
- <sup>43</sup> Wiggers, J., Jauncey, M., Considine, R., Daly, J., Kingsland, M. Purss, K., Burrows, S., Nicholas, C. & Watts, R.J. 2004, 'Strategies and Outcomes in translating alcohol harm reduction research into practice: the Alcohol Linking Program', *Drug & Alcohol Review*, 23, pp. 355-364.
- <sup>44</sup> The numbers of Aboriginal people arrested for heroin use and possession in NSW during these years were 177 (1999), 130 (2000), 59 (2001), 44 (2000), 58 (2003), 69 (2004), 41 (2005).
- <sup>45</sup> Delahunty, B. & Putt, J. 2006a, *The policing implications of cannabis, amphetamine and other illicit drug use in Aboriginal and Torres Strait Islander communities*, National Drug Law Enforcement Research Fund, Commonwealth of Australia, Canberra, pp. 13-25.
- <sup>46</sup> Delahunty, B. & Putt, J. 2006a, op.cit., pp. 107-118.
- <sup>47</sup> Delahunty, B. & Putt, J. 2006b, *Policing illicit drugs in rural and remote Aboriginal and Torres Strait Islander communities*, National Drug Law Enforcement Research Fund, Commonwealth of Australia, Canberra.
- <sup>48</sup> Weatherburn, D. 2006, 'Riots, Policing and Social Disadvantage: Learning from the riots in Macquarie Fields and Redfern', *Current Issues in Criminal Justice*, 18(1), pp. 20-31.