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PATRON'S MESSAGE

Community Restorative Centre
Annual Report 2009-2010

The Hon. Michael Kirby AC CMG

COMMUNITY RESTORATIVE CENTRE

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Shortly before I concluded my service as a Justice of the High Court of Australia, the Court announced its decision in *Roach v Electoral Commissioner* (2007). In a very practical way, the Court, by majority, affirmed the dignity and rights of citizenship that belong to those persons serving sentences in corrective service institutions throughout Australia.

The decision in *Roach* upheld the submission, made for Ms. Roach, a prisoner in Victoria, that the total exclusion of prisoners from voting in federal elections was unconstitutional. In the two general elections that have been held since that decision was given, prisoners serving sentences of less than three years have been entitled (and obliged) to cast their votes. Prisoners, whilst in custody, remain citizens and human beings, possessed of human dignity as recognised in the *Universal Declaration of Human Rights*.

When they leave custodial services and rejoin society, prisoners also need assistance and support, as do their families and friends and the community to which they are returned. It is to meet those needs and to provide resources, that Community Restorative Centre (CRC) is established. I am proud to be patron.

During the past year, many established activities of CRC have been continued. These include:

- * The provision of post-release support. Where that support is given, return to prison numbers continue to be extremely low;
- * Consultation with State members of parliament of all political parties has been continued and stepped up; and
- * The annual general meeting of CRC in 2009 was held to review achievements and problems. Record numbers attended that AGM. Many of them came to hear the stories told by the panel of speakers who were clients of CRC. They willingly shared the stories of their journeys before, during and after prison. From such stories, strength is derived and a commitment to improve the work of the CRC.

Over the past year, several new initiatives have been taken:

- * The *Families Handbook* was launched. This is a resource for the families of prisoners. It was launched by the Minister for Justice and the Commissioner of Corrective Services. It has proved both useful and popular;
- * The *Justice Maze* DVD was launched at the AGM 2009 by Geoff Mulherran, CEO of the Law & Justice Foundation. There has been a great demand for this DVD. It is available free of charge to those wanting to understand the often perplexing criminal justice system of the State;
- * Funding services have been diversified and these have provided increased sustainability for CRC for the years ahead;
- * There has been an increasing focus on people with intellectual disabilities who are in contact with the criminal justice system and

CRC will have an increasing role in delivering services to clients with complex needs; and

- * CRC has also increased its capacity to provide a range of services to governmental bodies, non-governmental organisations and indigenous groups.

The conduct of federal and state elections in Australia in 2010, the 2011 state election in New South Wales and the comparatively short recurring cycles of election in this country, mean that debates over crime and punishment are never far from the popular media and political controversy. Sometimes, seeking to gain popularity with commentators who appeal to public fears and anxieties, a bidding war breaks out resulting in increases in criminal punishment. All too often, this has produced increases in custodial sentences, crowding of facilities and reduction in the availability of non-custodial punishments.

Editorialists, who should know better, regularly criticise politicians for being “soft on criminals”. Sometimes, these editorials are counter-balanced with other opinions that record the increasing levels of custodial punishment in Australia; the way in which this trend exceeds equivalent levels in most of Europe¹; and the huge costs, direct and indirect, that are involved in custodial punishment. New initiatives, such as the NSW Drug Court, the Intensive Corrections Order; the Magistrate’s Early Referral into Treatment (MERIT) Programme; the Court Referral of Eligible Defendants into Treatment (CREDIT)² Programme and the option of a work and deployment order for fine debtors, as well as forum sentencing involving Aboriginal elders, show

¹ “The Prison Population” in Legal Information Access Centre (LIAC) Hot Topics, *Prisoners* (2008), 2 at 3.

² John Hatzistergos, Attorney-General, ‘Reconciling the Purposes and Principles of Criminal Punishment’, *Law Society Journal* (NSW), August 2010, 78 at 79.

that new ideas can be introduced to provide innovation and additional sentencing options that attempt to get the balance right.

However, whatever the balance struck by our laws, there will be custodial prisoners. Imprisonment rates per 100,000 of the population are strikingly different around the world. In India, the figure is 32. In Japan, 63. In Germany and France, 91. In Canada, 108. In Australia, 130. South Africa, 342. Russia, 635. And the United States of America, 762³. By world standards, therefore, Australia is a high imprisoning country. Many prisoners will be vulnerable and at risk. Very many will need help, as will their families, friends and potential employers. Self-evidently, it is in the community's interest, as well as that of those in custodial punishment, to provide support and assistance to prisoners. This is where the CRC comes in. It is why it is an important and practical body, deserving of our wholehearted endorsement and encouragement.

A handwritten signature in black ink, appearing to read 'L. E. ...', positioned to the right of the main text.

Sydney

1 October 2010

³ LIAC, *Prisoners*, above 9.