

## Stories from the inside: the failings of Australia's criminal justice system

**Monday, 14 February 2022**

A ground-breaking analysis of Australia's criminal justice system has been published by pre-eminent law reform campaigner, Professor Peter Norden AO.

Professor Norden, an Honorary Fellow at Deakin University and Fellow of the Australian and New Zealand Society of Criminology, calls for a major change in criminal justice administration across all states and territories of Australia, including a national goal to reduce prison populations by 50 per cent over the next 10 years.

*Seeking justice in the criminal justice system in Australia...Learning from the past and planning for a better future* is based on Professor Norden's 40 years involvement with the criminal justice system, including his time as chaplain at Melbourne's Pentridge Prison, and seeks to chart a new direction in the prison system.

"Prison walls serve a dual purpose: they keep prisoners from escaping and they keep the community outside, and ignorant of what goes on behind those prison walls," Professor Norden said.

"In this publication, I attempt to lay the foundations for a substantial change of direction for the future of our criminal justice system in Australia – a movement towards Justice Reinvestment and redefining the role of Australian prisons as a place to house offenders who pose a genuine risk to the wider community."

Professor Norden details the critical issue of over-imprisonment of Indigenous children and adults in Australian prison systems and key chapters deal with the failures by successive governments across the country.

"We need to turn around the international scandal of mass incarceration of Indigenous Australians," Professor Norden said.

"Increasing the age jurisdiction of the criminal courts from 10 to 14 years would be an important first step in reducing the shocking rate of over-imprisonment of adult Indigenous persons.

"It is time for our community leaders to explore new paths in pursuit of true justice and greater community safety."

Professor Norden's proposed reforms also include:

- Fully implementing and funding the provisions of the National Disability Insurance Scheme to ensure disability is not a path towards imprisonment.
- Major increases in social housing to provide low-income Australians the security of stable accommodation
- Establishing a network of Bail Hostel accommodation so that homeless Australians, including women escaping domestic violence, are not remanded in custody for minor offences.

"Let us hope that the Australian criminal justice system of the future will be founded on evidence, not on a misguided model based on our past as a penal settlement," Professor Norden said.

In a mix of personal reflections and memoir, Professor Norden tells the inside story of the Jika Jika high security prison riots, recounts conducting the funeral service for Ronald Ryan, 40 years after Ryan was the last man to be legally executed in Australia, details his advocacy for the return of Ned Kelly's remains to the Kelly family and being asked to present the eulogy at Ned Kelly's memorial service in 2013. Professor Norden ministered to those centrally involved in the Melbourne gangland wars and, in 1979, had a beer with Bill O'Meally, the longest serving prisoner in Australia and the last man to be flogged by the State. The pair bumped into each other at the Young and Jackson Hotel in Melbourne on the day of O'Meally's release from Pentridge Prison.

Also included in the book is scholarly work on Indigenous massacres over the past century and Professor Norden asks whether such killings could now be regarded as Genocide under current international criminal law and whether January 26 can continue to be recognised as Australia Day.

#### **Chapter Headings:**

1. Indigenous Australians and the criminal justice system
2. Ned Kelly: Australia's Man of Steel
3. Bill O'Meally: last man flogged by the State in Australia
4. Ronald Ryan: the last man hanged by the State in Australia
5. The Jika Jika High Security Unit within Pentridge Prison
6. The Walsh Street Police Murder Trial
7. Pentridge Prison Unlocked for public tours
8. Van Nguyen and the worldwide path to abolition of Capital Punishment
9. Community Crime Prevention in Australia: a disappearing art?
10. Police Shooting Deaths in Victoria
11. Young Offenders, High Speed Police Pursuits and Police Culture
12. Changing the Age of Criminal Responsibility for Children
13. Carl Williams, Lawyer X and the use of Police informants
14. Private Prisons in Australia: their accountability to the State
15. Recent Northern Territory consultancy and imprisonment rates
16. Solutions, Solutions, Solutions: Justice Reinvestment
17. Time for a Treaty: the Uluru Statement from the heart

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