



## OUTLINE OF EVIDENCE OF AUNTY VICKIE ROACH

### DECEMBER HEARINGS 2022 (CRIMINAL JUSTICE)

15 DECEMBER 2022

#### I BACKGROUND AND EARLY LIFE

1. My name is Vickie Roach, and I am a proud Yuin woman.
2. I was born in 1958 in Merriweather, New South Wales, but I have lived in NSW since I was born and lived in Melbourne for around 7 years. I am the eldest of two half siblings, born to my mother.
3. I am a member of the Stolen Generations. In 1961, I was removed from my family by the authorities when my mother, who was pregnant at the time, went to have her third child in a home for unmarried mothers. In order to remove me from her care, I was charged with 'neglect by way of destitution'. How can a child neglect itself? In what universe can a child be criminalised in this way? That was not my mother's choice, but the matron at the home she was in warned that they would try to take me away in court, and helped mum get down to Sydney. The judge said, "Is the mother in court?" Mum stood up and said, "Yes." He told her to sit down and never spoke to her again until he made his decision, which I would say he had already made.
4. I was given a criminal record when I was 2 years old as a means to remove me from my mother. This was my first charge, which began a downward spiral into the criminal justice system. This first charge set the course of my life, and negatively influenced the way I was viewed by police and authorities from that point on.
5. Following my removal, I was made a ward of the state. I was placed in the care of a white foster family and separated from my little brother. My mother was told by my white foster family, "*we can give her a better life*". They offered to let her come and see me, but never say that she was my mother, just the nice lady who always brought presents. My mother initially came and saw me a few times but stopped because she couldn't bear it anymore.
6. My mother was also a member of the Stolen Generations. She spent almost her entire life in a home of one description or another until she was an adult. She was released to freedom from Parramatta Girls Home on her 18<sup>th</sup> birthday. My grandfather took her from my mother and convinced the authorities that my grandmother was crazy. He took mum and immediately put her in a baby's home. Then he wouldn't let his own mother, who was Aboriginal and very dark, see her or get her out of the home. Mum's grandmother, Eva May Donnelly, tried to get her out a couple of times, and managed to on a few occasions. But my grandfather would go to his own mother and take her back to the home. He didn't want mum raised 'black', Eva May had three obviously black kids, and three white passing. My grandfather turned his back on the black part of the family, and if anyone commented on his skin colour, he was 'southern European'. A lot of Aboriginal people would identify as a different race to avoid bad treatment. It can make it complicated for people to know for sure their full identity when they are members of the Stolen Generation. Link Up give you warnings about that, and also about bonding really closely too quick with people you are related to when you meet them.
7. My mother became a ward of the state, and the child welfare system decided she was the perfect candidate for assimilation. Like me, my mother was institutionalised, virtually from birth.

My troubles did not start with jail. They began when my mother was stolen from the Aboriginal community and institutionalised.

8. My great-grandmother's pleas to take my mother and raise her in a loving home with extended family fell repeatedly on deaf ears. Instead, my mother went into a system where she was often physically and sexually abused. She was not believed by the authorities about her mistreatment, so she ran away. It's probably where I get it from, I was always running away. No one ever asked why, I would just get into trouble for running away. My mother's punishment was to spend the rest of her youth in the Parramatta Girls' Home. I was born only 9 months following her release, pretty much to the day.
9. It was 11 years after my removal before I saw my mother again. She told me that she simply gave up when she lost me, that *"something just went out inside her."* Like a candle died inside her, a light went out inside her.
10. I was raised with the typical racist views that most Australians had in those days. I remember 'boong' and 'coon' and 'abo' being thrown around the good Christian table as much as the salt and pepper. Dad (my foster dad) worked on the communities quite a lot, working as a rigger. I didn't know I was Aboriginal until mum told me, and even mum didn't tell me straight away. When mum told me I was sixteen or seventeen. I was getting my learner's permit and she had to explain something about my birth certificate. It was like it was a confession, and she was really ashamed and embarrassed and told me not to tell anyone; *"Don't let anyone know"*. So, my grandfather and the system had got to her that way, to let herself be assimilated and keep it quiet. My foster parents never told me who I was either; I thought I must have been half a wog, because that's what the kids at school called me. I only remember one Aboriginal family when I was growing up, and we were told to stay away from the young boy, and to be scared of him.
11. When I was thirteen years old, I was told by my foster family that I was no longer wanted. I was returned home to my mother, who I instantly adored. The feeling was mutual, but my foster mother had told her to watch out for me, that I was crazy and would cause trouble. That made my mother suspicious of me, so we couldn't enjoy being a mother and daughter. My foster mother had told her I was boy crazy and stuff like that. In the end, I just left. I was gone by the time I was fourteen.

## II MY EXPERIENCE IN THE CRIMINAL JUSTICE SYSTEM

### *Early years in the justice system*

12. I first entered the criminal justice system when I was criminalised at 2 years old with the neglect charge, and by the time I was fourteen, I had been charged with the offence of being 'uncontrollable' for running away from my foster home. I felt no love in my foster home, so I went looking for it elsewhere, in all the wrong places.
13. I was also charged with being 'exposed to moral danger' for not being under supervision, being run away. I fell in love with a boy who ended up getting 5 years in jail for carnal knowledge because I was only 12, and I was also sent to a juvenile detention centre for over a year. That might have been when I was sent to Ormond.
14. I often had to appear at the Children's Court for the charges of 'neglect' and being 'uncontrollable' and 'exposed to moral danger' for running away from home. It was the trifecta, and you would always be charged with all three of them. I was never asked why I was running away from my foster home. While waiting to be seen in court, I was often locked up at the Glebe Metropolitan Girls' Shelter.
15. The Glebe Metropolitan Girls' Shelter was a horrible place. I was repeatedly sexually abused by the doctor, who was a sleazy old man, under the guise of health examinations to check whether I was pregnant or had a venereal disease. At the shelter, you had none of your own belongings. They had big chests of clothes and every day you would take pairs of old, stained bloomers and underwear that didn't fit you. When we weren't doing chores, we all sat in a common room mostly in silence. They would sometimes put the radio or television on for us for an hour at night-time, but we weren't usually allowed to speak. We were put to bed in

dormitories at 7.30pm, and the workers would creep around during the night checking on us and watching us from an observation room. They would come by and shine torches in our faces while we slept. There didn't seem to be any reason for it, other than a form of torture.

### ***Teenage years and adult life in prison***

16. After I left my mother's home by fourteen years old, I dropped out of school and went to live at a commune in Nimbin. After that, I ended up living in Sydney. I was under-age, had no money and no access to social security. Before long, I acquired a heroin habit. At the time, there were soldiers returning from Vietnam. They were suffering from PTSD and bringing back heroin with them. The first wave of people brought back their own supplies, then used their contacts overseas to get more.
17. I had to start paying for my heroin addiction, and that would have been the point when I became a teenage sex worker in Kings Cross. I was still only 14 years old and wore bobby socks and pigtails. I only did that to make money. Most of my clients were white men, and believe it or not, most of them were officials. A lot of Commonwealth cars with flags and that came down our street. I got a lot of trade from that.
18. Almost all of my crime was connected to drug use in one way or another. It might have been credit card fraud, or theft, but it was always to pay for dope. Everything was to pay for that and for everything else I needed as a young person. I hated not having money of my own. It wasn't just the dope. I had to pay for my entire life, including the dope. There was just no other way for me to get money. I was too young to get a job.
19. Dope is a funny thing, because many people aren't aware that you aren't just addicted to a substance; it gives you a purpose. You find a job because you have to come up with the money to get what you need. The most important thing is getting your money for your dope, and making sure you are not sick and not withdrawing is the most important thing. There is a community of people who are all in the same position, and you know each other because you all have the same needs. You kind of become a community and share information, watch out for each other. That community was really important to me at that time. It was the only way I could survive, without just giving myself up to the authorities and getting stuck in a home again.
20. When I was seventeen years old, I was grabbed by police officers on the street while I was waiting for my heroin dealer (although, they did not know that). I was doing nothing wrong, but they saw what they believed to be needle marks on my arms. They promised that they would help me if I admitted that I had used heroin. It sounded like a good idea at the time. I remember thinking, "*I could probably use some help right now*". So, I admitted to using heroin and I was put straight into a cell for six months.
21. This would not have happened had I not had all my childhood convictions, all of which were a direct result of being removed and criminalised for normal childhood behaviour. I remember one particular instance in the Children's Court where the judge or prosecutor (I don't recall which) remarked that I had antecedents going back to 1961, which, of course, is when I was 2 years old. It was to make me sound like I had a really bad record and deserved more severe punishment as a result.
22. Being underage in an adult prison was no picnic. You were separated from everyone else, and there were only a few of us that were under 18; I was one of three. One girl was really young, only around 15 years old. They held us in what they called 'security', but this was really a place for much older women who had killed their husbands but pleaded grounds of insanity. The day I turned 18, I was moved in with the 'big kids', but I already knew most of them. It was a small town in the prison, where everyone knew everyone, and most of the women that were in there were sex workers as well. The only ones I didn't know were those who didn't use drugs or work on the street. I also didn't know most of the Aboriginal women. Most of them came from far away, from regional areas.
23. I was still in prison on my 18th birthday. I remember that on that day, a girl in the prison with me who had looked after me when I was on the street was put into solitary confinement after swallowing an entire bottle of pills that were smuggled in by a visitor. Instead of taking her to a

hospital, the screws (guards) pumped her stomach and put her in an isolation cell. She was screaming for a while for someone to get her a cigarette, but the screws wouldn't give her one. Only one screw was on duty to sit and watch from the window. She was on suicide observation, but they would not go near her because she was screaming and carrying on. She was still off her head on pills even though they pumped her stomach. This screw wouldn't go near her because she was swearing too much. She suddenly went quiet, so we yelled out to the screws to check on her and see if she was alright. By the time they did that, she was already dead. The senior screws did the rounds later, and that's when they checked her. We were screaming and banging up to attract the screws walking the perimeter. The screws just wrapped her in a blanket and threw her in the back of a ute. I don't remember if I saw it or not, or if I was listening to girls report who had better vantage points in the prison. Apparently an ambulance came and went. We were told they wouldn't take a dead body.

24. Sue Bourke was her girlfriend. I'm not sure how long afterwards, but Sue came in, managed to get Carol's old bed, and killed herself. I know at least half a dozen women who have died in custody. Not all of the women were Aboriginal, but most were, come to think of it.
25. I have spent three decades of my life going through the revolving doors of various prisons. Between 1976 and 2003, I had 125 convictions or guilty verdicts recorded against me (though this statistic seems conservative to me), primarily for petty crimes. Ninety-nine percent of my crimes I would classify as crimes of survival or disobedience. Survival because of drug dependence, and disobedience because I couldn't comply with the bureaucratic expectations of the Court.
26. I am not sure of the total amount of time I have served, but it includes two six month, two nine month, one 13 month and one four-year stretch. That does not include short periods of remand, or time in police lock up. My sentences were served in the early 70s, mid 70s, mid 80s, 1999, 2003 and 2004-2008. My longest sentence was at Dame Phyllis Frost Centre (**DPFC**), where I was serving an ICO for the 13 months (which I had found impossible to comply with because of the conditions on it) and for the four-year sentence.
27. I had 10 years without police involvement between meeting Ron, who is the father of my son TJ, and having TJ removed from my care. The proceeding was in the Family Court of New South Wales in 1986. The judge awarded custody to the father even though he had taken into account that Ron was a violent, abusive man, and an alcoholic, but the judge was more willing to give custody of a small child to him than to me who had been off drugs for six years. I didn't start using again until I lost custody. But it wasn't for long. After three months, I woke up one morning and realised, "You are not going to get your kid back this way." Then I went hard, stopped drinking, and started doing court stuff, trying to get him back.
28. I stayed out of prison for 16 years once I started fighting to get TJ back. I eventually got custody back after 8 long years, by which time TJ was 11 years old. I had told the judge back in the beginning that the way it was play was what would happen. The court knew about Ron's alcoholism and violence. He used to show up in court drunk. There had been 11 notifications to DHS about Ron's treatment of TJ, and they still allowed him to keep custody. Ron was never charged with anything, because he was a man. Paradoxically, he was black too, he was Maori. But Maori is a step up from Aboriginal, maybe not in New Zealand, but here it is. In the old days a lot of people used to pretend they were Maori so they wouldn't get treated as Aboriginal.

### III CONDITIONS IN THE CRIMINAL JUSTICE SYSTEM

#### *Trauma and strip searching*

29. As an Aboriginal woman going into custody and prison, you have been through abuse as a child as well, and it's an extension of the same. When you're in a kids' home, you figure out pretty quickly that your own body doesn't belong to you, it belongs to them. They can do what they like to you.
30. With strip searching, so many women just disassociate from their bodies, which is not easy for all women to be able to do. I was good at it because I used to be a sex worker, but it was different. As a sex worker, I was empowered; I was the one who had the power in the

relationship, in the transaction. I was doing something in exchange for money, and I did what I wanted, or I just wouldn't take any more money or whatever.

31. But when you're in a position where you are forced to strip, and you're forced to strip in a really small room with two, at least two, fully uniformed officers, that's intimidating for a start.
32. The statistics show that they don't usually find anything as a result of going through that process. All they are doing is traumatising us. What has happened is that we have still got these laws and regulations that were on the books long before technology was invented that has made them obsolete. Yet they still use them. So, they're being used in a superfluous, demeaning, punishing way. Because there is no need to do it, there's a less invasive, less damaging way of doing something. But no, they insist on doing it this way.
33. For a lot of women, just being strip searched in itself will trigger so much trauma. Even after they get dressed, they're still sort of shaking and you know it's a traumatising experience, particularly in custody cells, because they're rough, they're rude, they're arrogant and they're personal. They'll make personal remarks about your body and things like that. It always reminded me of slaves on the market, getting ready to be sold. It could be done as meanly and as roughly or as perfunctorily as they felt like.

#### ***My experience in medical care in DPFC***

34. In my experience in the medical facility at DPFC, they would ask you how you are feeling and were you withdrawing, they might put you on the thing where you went on the Valium, the withdrawal pack, and they would send you away. It was a really quick process. I can't even remember them asking me about my health. I just remember being asked, '*do you think you're going to harm yourself or others?*'
35. You could get back into medical by buzzing up in an emergency, but it would have to be really bad, and the screws would have to think so too. Otherwise, you could go to medical by waiting in line for requests (sometimes for lengthy periods of time) or asking for an appointment through the screws in the morning. But it could take ages to get an appointment, sometimes weeks. Decisions in medical are important because your access is limited later, there are a lot of roadblocks with the policies and screws. The screws become gatekeepers to your access to services.
36. With the 'buzzing up', someone who is new to the system might not realise that they could get picked on by the other girls. They're all trying to sleep off their withdrawals, and somebody is continually screaming and banging up. Sometimes you might find someone who is sympathetic who might help you get attention. But generally, the more you bang up, the more they refuse to come and see you. So, it has the reverse effect. The more you want something, the more determined they are not to give it to you. That's been my experience.
37. However, the buzz up is your only voice. But for people who are really sick, it is normal that you keep calling up on the buzzer. There is nothing else you can do. The buzzer is it. That's all you've got. But then the screws always treat it that you are just being a nuisance. So, it's quite normal for them not to act on anything.
38. I have also had my own experience in critical care in DPFC after I was involved in a car accident and went to jail in Victoria. I think I was only in hospital for less than a week, and I was in an induced coma for part of that time. I had a cracked sternum, fractured ribs, internal injuries, a fractured wrist and a fractured skull.
39. When they escorted me to DPFC, having been in hospital for less than a week, I could barely walk with those injuries, but they still put the belt on me with broken ribs. It was the big leather belt, where you are cuffed to it. I had a fractured wrist and it was cuffed like that as well, and of course they deliberately drove over every bump in the road. I wasn't in a wagon, I was in a car, and when they put me into the cell, they must have been medicating me really well in the hospital because when the pain started hitting me it was just overwhelming.
40. They just didn't care, you know. They turned up in my cell in the middle of the night after I had been buzzing up for hours and hours and hours. I just could not find a way to lay, sit, or do anything to ease the pain or get comfortable. There was no position I could get into to relieve it, and so I was begging them for another pillow, "Let me have another pillow". It was about 2

o'clock in the morning and the governor was there, and there were about six screws in my cell, all to make this big deal about giving me an extra pillow, and how I have to learn to control my pain, that I'd see medical when my appointment came up.

41. I think they gave me Panadol. That was excruciating. I could barely walk. For a while after that they gave me Panadeine Forte for around 3 days, and Valium, like your typical withdrawal pack. Then the doctor put me on Endep. I wouldn't go on anti-depressants even then, but I agreed to go on it because he reckoned in the small dose he was giving me it would increase my pain threshold. Then of course I get addicted to these Endep. Nobody told me, none of the professionals told me that would happen. But fortunately, I knew, and even though they wanted me to stay on them I didn't. I took myself off them, stopped taking them gradually.
42. Another time, I was given the wrong medication by one of the nurses; she gave me heart medication that belonged to some old lady. I could see the mistake at the time, and I could see how she had made the mistake, but when I told her, "This isn't mine, this is not my medication" she said, "I'll put you down as a refusal to take your medication." So, I took it. I felt really weird for about two days after taking it. I went to the head nurse of medical, and she said "Well, what I can do for you Vickie then is I'll put you in a medical observation cell for 24 hours if you've had the wrong medication and you'd like to make a complaint about this." It was horrible staying there, so it was meant as a threat. People tend to downplay their medical conditions so that they don't have to spend time there.

#### IV EDUCATION AND WORK

43. Throughout my life and during my time going in and out of prison, I learned to survive and the conditions in the prison made me understand the need to become self-empowered, educated and politically aware. I decided to take control of my life. It was education that changed the way I think; it changed the way I look at the world, and probably changed the way the world looks at me.
44. In 2006, I completed a Master's Degree in Writing through Swinburne University while I was serving time in DPFC. Following my release from prison, I worked at the Koorie Heritage Trust and continued work on an autobiography and family history (which I had started in jail) for my doctorate. It was really hard trying to track things down in those days. Beth O'Brien was great, the education manager. My background, which had been such a gross disadvantage in my life, suddenly became a rich source of material for my passion for writing. Although I have wanted to write a book since I was a child. Mum had one that I wrote when I was eight. I must have had a lingering memory of being removed. It was called the elephant's sister. Me and the sister went looking for my real mum and got caught up in adventures and all sorts of traps. At the back of the book it said, 'next titles in the series', all in these orange books we used to write in.
45. When I graduated in 2006, there was a full academic ceremony at the prison I had completed my degree from. It occurred to me then that anything was possible. Well, actually, it had occurred to me before, but it was a big, big thing. But it was hard coming out of prison, and overwhelming in so many ways. Even in simple ways, like doing the shopping, that are automatic for everyone else. They become really stressful. I remember almost bursting into tears trying to choose from the selections in the supermarket.
46. I do not give the prison system one iota of credit for anything I have achieved. My success has come in spite of the system, not because of it. When I was in prison, inmates were paid six dollars a day to labour for private companies. It was basically exploiting prisoners for slave labour; I don't even know how it was legal. In the early days, we were sewing shrouds for dead people, and for burying paupers with no money. At that time, all work in all prisons was government contracts. Now it's all private contracts making money for the prison because they have such cheap labour.
47. There is a lack of transparency around the outcomes of the prison system. This is by design. The lack of transparency allows society to believe that prisons achieve rehabilitation. There is actually very little you can achieve in terms of anything in prison, health, education, spiritual growth, personal growth; there is no opportunity for any of that in prison. In fact, the prison is

designed to do the complete opposite. It actually de-skills people. For example, people who used to have exceptional skills and do work outside don't get to use or exercise their mental capacity.

48. One of the rehabilitative or beneficial thing I experienced in my whole time in the prison system were some of the Aboriginal programs that came in. Some were good, but they didn't happen often enough. The programs reinforced connection to culture. For example, there was a cultural immersion program that was really good. They came in all week, every day, all the Aunties. It was all day for a week, and we painted this big banner, and had all these yarns about things, and it was really good. I remember the Koori girls would say 'hey Aunty', that's the culture in Melbourne, and I was so proud. The problem about the programs is that once you walk out, you are back in the jail, and it is a whole different system of law and culture you have to live under.
49. There was a cognitive skills program that was a condition of parole, but they only offered it to Aboriginal women once, and then never again when I was in. The mainstream women had it for a while. After a while, they stopped delivering the program altogether; but it was still a condition of parole, and they were denying women parole because they hadn't completed the program. I wrote many letters about this, but it never amounted to anything. I'd be surprised if it didn't still happen. Housing and programs access to get paroled, (especially housing, which will be even worse now), was always a problem. So that would mean you would end up serving the whole term where there is no question you could have got out sooner. Like there was an Aboriginal girl got three years, and could have been paroled at 18 months, but she ended up serving the full three years because of no housing. She had mental health. She was so bright, intelligent, musical, wrote beautiful poetry.

## V HIGH COURT CASE – ROACH V ELECTORAL COMMISSIONER

50. In 2007, while I was serving a six-year sentence at DPFC, I challenged the Howard government's conservative amendment to the electoral system, named somewhat ironically the *Electoral and Referendum (Electoral Integrity and other Measures) Act 2006*. I was the named plaintiff in the case, which made it all the way to the High Court of Australia. The amendment removed the right from all prisoners to vote. Previously, only prisoners serving more than three years were prevented from voting.
51. One of the effects of this legislation was that it silenced Aboriginal people, who are overrepresented in the prison system. John Howard, the Prime Minister at the time, called people like me 'undesirable'. His exact words were that prisoners were "*an undesirable element of society and unlikely to vote anyway*". I have never been a big fan of John Howard, and I thought, "*how dare he?*".
52. My legal challenge was supported by the Human Rights Law Centre. I was represented by some of the country's top barristers on a pro-bono basis. I also risked a costs order that would mean I would owe hundreds of thousands of dollars of my own money if we lost.
53. The High Court struck out the amended legislation and ruled that people serving short sentences have a constitutional right to vote in federal elections. The decision has been hailed as a victory for Aboriginal rights and is widely acknowledged as a landmark decision. It established an implied right to vote in the Constitution for around 10,000 prisoners, who were able to vote in the federal election as a result.
54. The funny thing is that inside the prison, the case was totally ignored. A couple of the nicer screws said "onya", but for the prison officials, the whole thing was a non-event. While I understand that some people are not interested in politics and view all political parties as being just as bad as each other, my view was that removing the right to vote is just another form of punishment. It is a fundamental human right, and removing it sends the message, 'you should have no say in society'. My studies and education had made me think about our rights to exist in society. By 'our', I mean people in prison.
55. However, my feelings towards the voting system have changed drastically since I brought the legislative challenge in the High Court. Voting seemed important at the time I brought the case,

but that was before I came to understand the way the political world works. I don't believe there is any choice or truth in the political process anymore, it isn't transparent and doesn't have voters' best interests at heart.

56. Ironically, I now haven't voted since Tony Abbott was elected in 2013. When it comes down to it, I am an Aboriginal woman, a traditional custodian on unceded land, first at law, and I feel it is a betrayal to my people to cast votes for an occupying, illegal government force as an expression of my political views.

## VI ADVOCACY WORK

57. My opposition to the criminal justice system comes directly from my lived experience in the carceral justice system, which began when I was only 2 years old. I have been an advocate for human rights, prisoner rights and Aboriginal rights for many years, both as a writer and public speaker.
58. In March 2008, I published an opinion piece in the *Alternative Law Journal* which commented on *Roach v Electoral Commissioner* and the issues around the harm caused by the prison system.<sup>1</sup> More recently, in 2022 I published an article in the *Journal of Prisoners on Prisons* which told my story and expressed my views on the need for prison abolition.<sup>2</sup>
59. I am a founding member of the National Network of Incarcerated and Formerly Incarcerated Women and Girls (Australia), and a member of the steering group of Homes Not Prisons that is fighting against the expansion of DPFC.

## VII FUTURE PRIORITIES

### ***Medical response over a criminal response***

60. I believe that any engagement with the criminal system should have built in opportunities for treatment all the way through. Relying on punitive rehabs that demand total abstinence and force people to submit to urines and alcohol testing and throw them out if they test positive are not in the least bit helpful. They need a tailored response that is going to work for different people.
61. The alcohol and drug testing is dangerous as a bail condition and really sets people up for failure and incarceration. The stress is very high with court cases and worrying about jail, and that actually makes you want to use, having lots of stress. I don't know if magistrates know that.
62. You might say to yourself, 'I'm never going to drink again'. But in most cases and for most people, you do. For me, with drinking, I can do that, and stop again. But not everyone can, and some people don't have much chance to stop using at all really, and some people have no other way to self-medicate. We are not all rich middle aged white people and can get whatever drug we want. You need support wherever you are.

### ***Medical care providers and addiction specialists in prison***

63. While there are still prisons, there should be access 24/7 to an independent medical practitioner, one who is experienced in drug addiction and withdrawal, one who can spot the difference between drug addiction and a co-existing or separate health problem, an underlying health problem. It needs to be independent to the screws, who will just say "*drug addict, you're withdrawing*". It doesn't matter how sick you are, "*it's withdrawals*".
64. There needs to be an independent assessment of the medical services provided in prisons. I have received healthcare in different prisons from different providers. In my opinion, subcontractor private companies attract the worst of the worst. It's a private business. There should be hired doctors from the community, put on shifts, and rotated, so there is always a

<sup>1</sup> Attachment 1: '*Judge not - lest ye be judged*'.

<sup>2</sup> Attachment 2: '*The System is Not Failing, It is Working to Harm First Nations People*'.



doctor in the prison around the clock. The women need to be seen by proper doctors who are not part of Pacific Health or whatever it is these days. Someone needs to be accountable to it. It's not a business, it's a government responsibility.

65. In my experience, most of the women come into DPFC and other prisons with some sort of drug use issue. It is the most dominant health condition there. The women need to be seen by an addiction specialist doctor, and they need to be prescribed medication that will ease their addiction, ease their pain and suffering, because that's what it is, pain and suffering. Jail isn't meant to inflict pain and suffering despite how much it does. They need to be prescribed opioids or opiates or whatever they need to withdraw or stabilise, and that needs to be overseen by a proper addiction specialist who would know how quickly to come down or whether that is appropriate at all. They need somebody that women would trust. People in prison are supposed to be able to access the same treatment they can in the community. But medications are actually used to punish and control. We had a Maori girl who had a baby that was one week old, and they took the baby off her breast and put her straight in jail. It took her seven months to get her baby into the jail.

### ***Culturally safe and accessible health services***

66. Aboriginal women may find it really difficult to disclose, open up, talk, and be examined by a stranger, particularly a white man, who generally have low opinions of us and show it, in my experience. Even the white women doctors have low opinions too.
67. When I was in DPFC, something that they did not make common knowledge was that if you were Aboriginal, you didn't have to put a request in for the jail doctor. You put in a request for the Aboriginal Health Service (**AHS**) instead.
68. Sometimes you can wait weeks for that, so if it's something urgent, you had to see the doctor there at the prison. But for something important, where you could wait, like chronic conditions that weren't being managed properly in the jail, for an Aboriginal prisoner, you could go to AHS. Which would be great, if you could go there whenever you needed to. They had to take you with the screws as escorts, and it's my understanding that they would get paid extra for taking you. The wait was long, so you might give up. But going to AHS was really good. I went a few times. You see people you know, and sometimes the doctors know you. We get accused of doctor shopping whenever we want a different doctor, as though it's a bad thing. It's a good thing to have a doctor who is respectful of you and listens to what you are saying about your health and what support you need.
69. The reason it's good going to AHS is it's in a culturally appropriate place for a start. All of the doctors that I came across there knew what they were doing. They understood Aboriginal issues. They had obviously been trained properly, because they weren't all black doctors. I know they have been trained properly when they show compassion. When they tried to minimise the embarrassment or stigma you might feel coming from prison.
70. For example, a screw wanted to come into the examination room with me one time. The doctor just said quite firmly, "No, you can't. I'm examining this patient. You'll have to wait outside." The screw checked security and then did wait outside. That felt really good. That this doctor did not care about their security stuff and was more interested in what I had to say without them listening to me, which would violate the confidentiality obligations anyway.
71. In my opinion, it would be good if there was an Aboriginal Health Liaison worker at DPFC, full time. Aboriginal women, as would be known, stereotypically have a history of abuse, sexual abuse, and cultural abuse/lateral violence. It's almost impossible for a corrections doctor or regular medical staff to even grasp the idea that we could be any different to any other prisoner. They are trying to kill us off as a culture, not trying to save us. So, work needs to be done to create cultural safety. While there are still prisons, all medical staff should be there with appropriate and genuine cultural training.
72. While there are still prisons, I would strongly recommend they organise timely access to AHS. None of this waiting for six weeks. It shouldn't be that you get out there to AHS and the crisis will be over by that time. It would even be helpful for an Aboriginal doctor to come in once a week to see people. To see as many women as she could on the day, and so that people could

be sent to AHS on her recommendation. I would also suggest that they could have an Aboriginal nurse on duty at all times who has access to the Aboriginal doctor and the AHS. They might balk at a separate system for Aboriginal women, but the benefits inevitably spread.

### ***Education for prison officers and Magistrates***

73. In my experience, with the training and recruitment of screws, including peer workers in the training for just one hour was very effective. The ones that made it through proved to be better screws than those who hadn't done the training. In my opinion, the reason was that they weren't scared of us. When I was working in that peer education program, the trainees were really hostile when they came in. When we were able to demonstrate that we didn't have two heads, that they had no need to be afraid of us, to describe what it was like being a new prisoner, "*being as scared as you probably are*", it broke the ice. We made heaps of jokes, then when we got them laughing, we had everyone relaxed and with us and feeling compassion for us. In that short time we were able to explain the reasons we were in there, which were usually minor things, and I think a lot of people felt like they were just the justice league protecting society from us and we were able to break down those barriers. I really believe we were.
74. Proper cultural awareness training conducted by Elders should be mandatory for magistrates, judges and screws, and it should also be reviewed and repeated annually or bi-annually. An ideal cultural awareness program would include elders who work with Aboriginal people in other spheres, in other community roles, and that don't have that assimilated ideology of what white people have taught us about ourselves; they have told us who we are, what we are, what we do, and that it's unacceptable to them. If you have that assimilated message, you believe that of everyone around you, your family and your friends, your community. I think it is also useful for them to have people who have done time in the cultural awareness program process, and not just people who come out with a redemption story of how jail saved me. It needs to be people who can just tell it how it is, people who have done hard time. People who have been around the traps for years and know how it works.
75. In terms of what I would want decision makers in the criminal justice processes to really understand is that from my perspective, as an Aboriginal woman the 'legal' system on this stolen land is illegal, and from my perspective, that is true and correct. I would want to re-educate them entirely regarding colonisation and everything else they've ever learned about us, because that's where it all started, and it's never stopped. The genocide has never stopped.
76. I had a judge in the County Court who said that the Justice Eames decision (where my Aboriginal identity and experiences should be a consideration in sentencing) didn't apply to me. He said I had 'reinvented my Aboriginal history' and that there was 'no possibility of my rehabilitation'. Which I literally took to mean I would never be a good person. The way I took his ruling is that I was not Aboriginal enough, that I had been fostered out to this wonderful white moral family that gave me every opportunity, and then reinvented myself as an Aboriginal person. I have always been Aboriginal. Even before I knew I was. That still bothers me. Connection and identity is a difficult thing, especially I think for Stolen Generations.
77. It's our visibility as Aboriginal women that makes us targets. We're still treated throughout the system as lesser, and more stereotypically criminal, than other people. Part of our nature, our character, our culture. Like incest is supposed to be a part of our culture. Like bashing our women is a part of our culture. When it never has been. It's a result of colonisation when it does occur, but it's really hard to teach someone that in a way they will understand it enough to change their views. And who are the people they will get in to educate them? Most times it will be the people who have already committed or assimilated to the system. So, they'll get the wrong advisers in. Unless we put the right ones in there ourselves. That's what I think needs to be considered.

### ***Abolishing the prison system***

78. There also needs to be more focus on what the alternatives to prison are. I firmly believe the prison system should be abolished, rather than subjected to incremental reforms. The reforms are just wasting time tinkering at the edges. The entire system is rotten to the core, from the top down, and it all needs to come down.

79. A lot of judges and magistrates think we are going to be safer in prison. A lot of them think Aboriginal women are going to get help and all that sort of thing. That's the impression I have got over the years, and it's not true, as we can see. I think magistrates need to learn a bit more about jail. When I have seen them visit the jails, all they did was wander through and see an hour of people doing gardening programs or something, and that's at best.
80. There are very few people in the prison system who actually need to be there to protect society. All they are doing is breaking down families, and they have been doing it to Aboriginal people forever. Many people think that prisons make society safer, but this is not the case. Prison is a brutal place where people are subjected to violence. The system is dehumanising, demeaning and harmful.
81. The prison system is inextricable from the ongoing oppression of Aboriginal people since colonisation. The history of Australia since colonisation has told Aboriginal people that we are stupid, dumb, that we're drunks, we're just jail fodder, we're all criminals, we're dirty, we can't look after our kids, we all sniff petrol, now we all do ice. As an Aboriginal person, like an abused woman, you can start to believe you deserve to be treated like that, and you don't fight anymore.
82. The injustice of everything makes me want to cry all the time. I feel a real helplessness, futile, impotent anger at how wrong things can be. It is something I have struggled against all my life. The apologies from government are demonstrably insincere. I would rather that they righted the injustices instead.
83. We need to tear down the walls of the prison system and instead invest in social supports so that everyone has access to health services, accessible affordable housing, education and employment. There needs to be a sense of community rather than further exclusion from it by imprisonment. Although some attempt has been made to introduce programs that may benefit some prisoners, they provide little in the way of tangible benefits and often seem more like box ticking exercises than a genuine attempt at rehabilitation. They have KPIs and stuff like that, but basically it is a tender process, and the evaluations are not outcome based.
84. A more helpful approach within the prison system, while it exists, would be self-determined and self-referred educational programs in prisons that are not informed solely by potential employment outcomes, but instead focus on personal development of the individual. Programs that develop self-esteem are the first steps towards a holistic approach to healing that seeks to 'make whole' rather than punish. We could eliminate prisons and create healing communities and healing places where intergenerational trauma could be treated with sympathy and empathy, tailored to individual needs, rather than with handcuffs, batons and bars. Drug dependence should be treated as a health issue rather than a criminal justice issue. Drug dependence as a health issue is often if not usually related to unresolved trauma.
85. Dostoevsky once wrote that *'a society should be judged not by how it treats its outstanding citizens, but by how it treats its criminals'*. I think that if we were to be judged by that maxim today, we would be found badly wanting.

#### **List of documents referred to in outline**

**Attachment 1:** *'Judge not – lest ye be judged'* by Vickie Roach

**Attachment 2:** *'The System is Not Failing. It is Working to Harm First Nations People'* by Vickie Roach