



18 July 2019

Submission to the Special Commission of Inquiry into the Drug Ice

Dear Commissioner, Professor Dan Howard

I thank you for the extension for this submission to be made.

This submission arises from the findings of an Australian Research Council (ARC) Project that I lead on the criminal sentencing of Aboriginal women in New South Wales. This research is guided by a group of Aboriginal women from organisations and services that provide support for Aboriginal women. The group is known as *sista2sista*. As part of the ARC research, we have interviewed and surveyed 40 Aboriginal women in NSW correctional centres, held focus groups with 40 lawyers from Aboriginal legal services who represent Aboriginal women in cities and towns in various parts of NSW and interviewed 8 judicial officers at all levels of NSW courts.

I wanted to raise three findings from the ARC research thus far that relate to the 'Ice Inquiry' and concern Aboriginal women in prison:

First, Aboriginal women in NSW prisons have consistently told us that issues relating to drugs, including 'ice', arise due to deep-seated trauma and grief. Such trauma and grief is inter-generational and ongoing. It manifests particularly as a result of:

- The removal of their children and other interventions by the NSW Department of Families and Community Services
- Risks to the health and wellbeing of their children and family
- Homelessness, poverty and unemployment
- Imprisonment and other criminal justice interventions



- Experiences of sexual assault and violence to themselves and/or family
- The premature passing of family members
- Experiences of social and cultural alienation and racism.

The taking of drugs is not regarded by the Aboriginal women in prison as a choice but as a necessary coping mechanism, sometimes described as 'self-medication', for their grief and trauma. Accordingly, policy responses to 'ice' should be mindful that the drug is a band aid for underlying issues and confronting the symptom alone rather than the cause is short-sighted, at least for Aboriginal women.

Further, the development of policy in relation to reducing 'ice' needs to engage with Aboriginal women, and men, in prison. Our work with sista2sista and our discussions with Aboriginal women in prison have made it clear that Aboriginal women with lived experience of this drug are more than capable of identifying and communicating their needs; indeed, they are best placed to do so. Aboriginal women, and men, in prison need to part of the policy discussion as they experience some of the worst consequences of using this drug, including its criminogenic effects.

Second, our research has found that drug taking is a minor issue facing Aboriginal women in prison, who associate their concerns and identifies more with their roles as mothers, grandmothers, sisters and partners. I caution the 'Ice Inquiry' against associating the drug with Aboriginal people. This entrenches inaccurate and harmful stereotypes of Aboriginal people as drug users, and extends stereotypes of Aboriginal people as having a tendency to be intoxicated by alcohol (see comments by Marcia Langton who wrote that the image of the 'drunken' Aboriginal person frames Aboriginal people universally as lacking control, discipline and civilisation and enables racialised control by authorities¹).

¹ Marcia Langton 'Rum, Seduction and Death: "Aboriginality and Alcohol' (1993) 63 *Oceania* 63, 195, 205.



Third, Aboriginal women, lawyers and judges have expressed that where there is a need for rehabilitation for drug use, there are few options for Aboriginal women. There is a lack of rehabilitation centres in regional NSW (e.g. including large towns such as Dubbo) and where they exist, the centres are mainly not tailored to the needs of Aboriginal women (i.e. they are mainstream services and families cannot reside with them, with some exceptions such as Bennelong's Haven Family Rehabilitation Centre in Kinchela). Aboriginal women in prison who regarded themselves as affected by drugs have told us that prisons were inappropriate, unhelpful, and sometimes harmful places for them and they would be better accommodated in an appropriate rehabilitation centre. They referred to the lack of programs, services and drug counselling for Aboriginal women in prison, especially while on remand.

I would be happy to provide further information about the findings of the ARC project and related research to the Inquiry.

Best regards for your work,

A handwritten signature in black ink, appearing to read 'Thalia Anthony'.

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