

EMERITUS

September 2011

Newsletter No 33 of the Australian National University Emeritus Faculty



The ANU Emeritus Faculty,
Fellows Lane Cottage - Building 3T. [See www.anu.edu.au/emergitus for location map]
Postal address PO Box 6050, O'Connor, ACT 2602. Phone: 02 6125 5309 Fax: 02 6125 5262

War on willows Re-moralising Universities

By **Steven Schwartz***

What, exactly, is the university for? Universities once had clear ethical purposes but over the years we have lost our moral direction. To fulfill their true purpose, universities need to get back on course: we need to re-moralise.

To show you how much, I will take you back to when I was a five-year old living with my family in New York City. Thousand of people around the world died of polio that year; more than half were children.

This drama was repeated every summer. Everyone was relieved when autumn brought an end to the polio season, but the cycle of fear would begin again the following year.

Then something amazing happened. Jonas Salk, a young, and previously obscure, university researcher, created a vaccine. The initial results looked promising but a large-scale research project was required to be certain that the vaccine was safe and effective. A call went out for children to participate in a nationwide double-blind trial and my parents did not hesitate to enrol me. All together, two million primary school children, known as "Polio Pioneers" rolled up

their sleeves for what became known as "The Shot Heard 'Round the World".

The trial proved a success; the vaccine was safe and effective and Jonas Salk became justifiably famous. Although Salk became famous he did not become rich. This is because he and the University of Pittsburgh, the private university where he worked, licensed the vaccine to anyone who wanted to manufacture it. The ethical premise driving Salk's work was simple: the purpose of university research was the discovery and dissemination of knowledge for the benefit of society. Making money was never their goal.

Would parents be as eager to sign up their children to this kind of experiment today? I am sad to say the answer is probably no. Many of today's parents refuse to allow their children to have tried-and-true vaccines let alone experimental ones. Today's parents are deeply sceptical about science and scientists. They particularly distrust the commercial motives of drug companies, researchers and universities. They have a point.

Drug companies, for instance, have their in-house staff produce research articles extolling their product's benefits. Company representatives then approach well-known medical researchers and ask them to put

Continued next page

their names on the articles as the author. The result is that articles, actually written by company employees, wind up in prestigious medical journals under the names of famous scientists.

Publications are the coin of the realm in university scientific careers. Some scientists agree to pose as authors just so they can add another paper to their CVs.

Clearly, we live in another time and place from Salk. The central ethical premise of universities has changed fundamentally. The discovery and dissemination of knowledge has been replaced by the desire to exploit it.

Can anyone today imagine a university giving a valuable vaccine away? In fact, the government encourages universities to do just the opposite — to patent our discoveries and capitalise on our intellectual property.

There is nothing illegal in universities trying to exploit the commercial value of their intellectual property. However, commercial transactions carry their own imperatives, and these may not be compatible with traditional academic values. Scientists are not the only ones whose ethics require scrutiny.

In the Global Financial Crisis, financiers whose fast and loose behaviour caused financial distress and misery to families around the world included some of the brightest graduates from the world's leading universities. The British parliamentary expenses scandal was perpetrated by graduates of the United Kingdom's most prestigious universities. Instead of taking a stand, universities have kept quiet.

This is because they no longer have a moral role. They have given it up for one that is strictly utilitarian. The Federal Government says the purpose of universities is "to grow the knowledge-based economy". They are "key contributor[s] to... economic progress". Invest more in higher education, it says, and the result will be more wealth for everyone.

As a Vice-Chancellor, I would really love to believe this, but I am sorry to say that it is grossly exaggerated. There is no automatic correlation between the amount of money spent on universities and economic growth.

I am not suggesting that universities do not contribute to the economy. Of course they do. So does Shakespeare. Tourists to Stratford-upon-Avon spend millions of pounds per year on hotel rooms, meals, not to mention coffee mugs with quotes from Hamlet. And then there are the jobs created printing Shakespeare's plays, selling copies of his sonnets and acting in Shakespeare productions. There is only one problem. Shakespeare's value has nothing to do with any of these things.

Not everything of value can be expressed in dollars and cents. Education is, or should be, a moral enterprise.

I know that many, indeed most, students go to university because it will help them to get a better job. There is nothing wrong with this; a fulfilling occupation is part of a good life. But even jobs are not just about money; work also has moral value. As John Ruskin said: "The highest reward for man's toil is not what he gets for it, but what he becomes by it" .

From its earliest classical origins, education has not just been about acquiring work skills — its real purpose was to build "character" so graduates could take up their role in their society and contribute to the good of everyone. The original universities took it for granted that their main job was to mould the character of their students, usually by inculcating religious precepts. The idea that the purpose of education was to forge a character persisted for almost 700 years.

As recently as the 19th century practically all universities still understood that this was their mission. Unlike the first American and British universities, which were either private or independent charitable trusts, the first Australian universities were public institutions established by acts of parliament and supported by annual appropriations from the government. They were deliberately not religious.

Interestingly, Australian universities never actually renounced their goal of developing character. Following Socrates, they hoped that knowledge of the good would automatically lead to a commitment to the good.

Beginning in the 1960s, however, even this non-religious approach became suspect. The Vietnam war and civil rights movements fomented campus unrest in the USA, which spread to Europe and eventually to Australia.

The result was that not just students but also their professors increasingly perceived truth seeking as futile. Universities slowly sank into the morass of moral relativity.

This rendered them unable to make judgements; they could not even decide which subjects students should study. Today, students are allowed to choose from hundreds of options with no subjects considered more important than others. The result is that our universities teach students, but they do not even pretend to make them wise.

In his inaugural address as rector of St Andrews University in 1867, John Stuart Mill said the object of universities was “not to make skilful lawyers, or physicians, or engineers, but capable and cultivated human beings”. Mill was right.

We at Macquarie University have decided to see whether it is possible for a secular institution to teach more than job skills but to actually educate the whole person. Although we can no longer go back to teaching religion-based prescriptive ethics, we do want our students to live up to John Stuart Mill’s vision of graduates of cultivated people.

We at Macquarie believe that a university education ought to produce educated men and women who understand the world and their place in it, who can write and speak coherently, who know what a poem is and who can tell a symphony from a jingle. For this reason, our new undergraduate curriculum does make judgements.

All of our students, no matter what course they are enrolled in, are required to study People subjects (exposing them to the arts and humanities) and Planet subjects (so that they can understand how science works).

But being cultivated is not enough. We also want to go back to education’s purpose and build character. How are we doing this? This is where the third “P” for Participation comes in. All Macquarie students, whatever course they pursue, will undertake a community or work project outside the university, in many cases outside Australia.

Most important of all, their experience will help them to develop a concern for others, and a concern for others is the essential foundation of all ethics. Our new curriculum is expressly aimed not just at the state of the art - but at the state of our students’ hearts.

**This is an edited version of an address by Professor [Steven Schwartz](#), Vice-Chancellor of Macquarie University, on June 6.*

The dismantling of universities

Higher Education: Students at the Heart of the System

Department of Business, Innovation and Skills, £79.00, June 2011,
ISBN 978 0 10 181222 1

This is an extract of a review by Cambridge academic [Stefan Collini: The Dismantling of the Universities](#) Published in the *London Review of Books* which also carries correspondence on the essay.

In 1963, the Robbins Report proposed setting up a Ministry of Arts and Sciences to “recognise the importance to the spiritual health of the community of a proper organisation of state support for learning and the arts ...Compare this with the present arrangement,” [Stefan Collini](#) writes, ‘in which higher education is classed as just one part of the remit of a Department of Business, and universities are treated primarily as contributors to economic growth.’

Yet even on its own terms, the British Higher Education White Paper has a “wholly phantasmal conception of competition”, Collini argues, demonstrating instead a commitment to “the use of state power to entrench hierarchy in the name of ‘market principles’.... The inescapable conclusion is that this huge gamble with one of the world’s most successful systems of higher education is being taken in order to bring universities to heel.”

To access the free essay in the *London Review of Books* go to <http://tinyurl.com/3wrdbps>

25th Lionel Murphy Lecture

A-G on vigilance against injustice

The Attorney-General, Robert McLelland, gave the 25th Lionel Murphy Lecture at the ANU on September 7. He said, in part:

I have entitled this year’s address as *Lionel Murphy’s Legacy – Vigilance against Injustice in the Justice System*.

And I wish to speak to the national shame that is the over-representation of Indigenous Australians in the criminal justice system. And to the practical steps the Commonwealth and the States and Territories must take to right this enduring wrong.

This problem has been brought to the public’s attention this year particularly because of the 20th Anniversary of the Royal Commission into Aboriginal Deaths in Custody and the release in June of the House of Representatives Inquiry Report *Doing Time – Time for Doing: Indigenous Youth in the Criminal Justice System*.

But before turning to that I’d first like to pay a brief tribute to Lionel Murphy, whose memory we are here to honour tonight - a great Labor leader, an accomplished Attorney-General and an inspiring High Court Justice. And in doing so, I would like to speak briefly of a judgment he wrote as a judge of the High Court - *Neal v R*.¹

¹ *Neal v R* (1982) 149 CLR 305

The case was that of an Aboriginal man, Mr Neal. Mr. Neal was Council Chairman in Yarrabah, a community in Northern Queensland. This community had a deep sense of grievance about the paternalistic treatment by white authorities, including the management of the store which was reportedly selling rotten meat. Mr Neal had argued with the store manager about the management of the reserve. When the discussion reached an impasse, Mr. Neal swore at the store manager and spat at him. For this, Mr Neal was sentenced to two months hard labour. On appeal to the Queensland Supreme Court, Mr Neal’s sentence was increased to 6 months. Mr Neal then appealed to the High Court where Lionel Murphy presided.

The year was 1982, and Murphy noted in his judgment the appallingly high rates of Indigenous incarceration at that time – that although Indigenous Australians made up only 1 per cent of the total population they made up nearly 30 per cent of the prison population.

In addressing the question of Mr Neal’s relatively harsh sentence for what was a seemingly trivial offence, he said: *“That Mr. Neal was an ‘agitator’ or stirrer in the magistrate’s view obviously contributed to the severe penalty. If he is an agitator, he is in good company. Many of the great religious and political figures of history have been agitators, and human progress owes much to the efforts of these and the many who are unknown. ...Mr. Neal is entitled to be an agitator.”*² Needless to say, Mr Neal’s appeal was allowed.

So I’d like to draw some inspiration from Lionel Murphy tonight as I speak to the challenges that we currently face in terms of the over-representation of Indigenous Australians in the justice system - an injustice which remains nearly 30 years after *Neal v R*.

Prior to the recent Commonwealth Law Minister’s Meeting that brought together Attorneys General and Justice Ministers from across the Commonwealth, I had cause to reflect on the origins of European

² *Neal v R* (1982) 149 CLR 305, at 317

settlement in Australia. The British Transportation System arose from an attempt by England's privileged classes to remove a so called "criminal class". Transportation included punishment for lesser offences that were more often than not the effect of extreme social disadvantage. Well that's how Europeans originally came to Australia but as a law and order measure this policy was unsuccessful. Crime wasn't addressed until chronic social disadvantage was addressed.

Today, Attorneys-General and Justice Ministers across Australia need to ask ourselves if we are making the same mistakes in respect to the issue of the incarceration of Indigenous Australians. The figures speak for themselves.

Rates of Indigenous Incarceration

Today, Indigenous Australians make up only 2.5 percent of the population, but account for 26 percent of the adult prison population. The incarceration of Indigenous adults is 14 times higher than for non-Indigenous adults. Between 2000 and 2010, the rate at which Indigenous women are incarcerated increased by 58.6 percent. The rate at which Indigenous men are incarcerated increased by 35.2 percent.

The figures are even higher for Indigenous juveniles. Only five percent of young Australians are Indigenous, but half the young people in detention are Indigenous. Indigenous young people are 28 times more likely to be in detention. In fact, Indigenous young people are more likely to be incarcerated today than at any time since the release of the Royal Commission into Aboriginal Deaths in Custody – some 20 years ago.

The Purpose of Incarceration

I do not consider for one moment that the Attorneys General and Justice Ministers that I have met have the same premeditated intent as our British forebears. But it is clear that the desire to be seen as tough on crime has contributed to a significant increase in the prison population generally.

I am satisfied that there is a genuine desire among all law ministers around Australia to reduce crime - particularly in Indigenous communities. And there is no question that there is an urgent need to do that. The question is - are we doing it effectively?

Victimisation

Every Australian has a fundamental right to live free from fear. It is clear that this is not the case in many Aboriginal and Torres Strait Islander communities.

Statistics show that Indigenous people are almost twice as likely as non-Indigenous people to have been a victim of physical or threatened violence. Indigenous women are 31 times more likely than non-Indigenous women to be admitted to hospital for injuries caused by assault.

In remote areas, Indigenous people are hospitalised as a result of family violence at 35.6 times the rate of other people.³

And the rate of homicide for Indigenous people is 8.5 times higher than for non-Indigenous people, with the victim and offender being intimate partners in 60.9 percent of cases as compared with 24.4 percent for non-Indigenous homicides.

There is no doubt that we need to work to make Indigenous people and communities safer.

And there is no question that incarceration is the appropriate response for serious and violent crimes. But there is a strong argument that such high levels of incarceration may ultimately undermine our objective of safer communities.

The marginal effect of incarceration

In an excellent article published in July last year, Emeritus Professor Dave Brown, from the University of New South Wales, (also the Chairperson of the Lionel Murphy Foundation) argues that incarceration has

³ Overcoming Indigenous Disadvantage Report Key Indicators Report 2011, Commonwealth of Australia

"at best, a modest effect in reducing crime"- but that effect is short term.⁴

He argues that in fact, excessive imprisonment rates may actually cause more crime in the long term. Professor Brown's point is that prisons can in effect become 'schools of crime' which result in the fracturing of family and community ties, hardening and brutalisation, and poor mental health outcomes for those who have been incarcerated.

And after an offender is released they are likely to have lost essential life skills, have an increased reliance on criminal networks built up in prison, and experience reduced employment opportunities and access to social programs⁵.

He also points to a study that shows there may be a 'tipping point' for certain communities where once incarceration reaches a certain level, crime in that community will only increase. How is this 'tipping point' reached? Professor Brown argues that:

*"high rates of imprisonment break down the social and family bonds that guide individuals away from crime, remove adults who would otherwise nurture children, deprive communities of income, reduce further income potential, and engender a deep resentment toward the legal system. As a result, as communities become less capable of managing social order through family or social groups, and crime rates go up."*⁶

We know that this is currently what is happening in our Indigenous communities. We must turn this around. If we are to address crime and victimisation we need to commit to a longer term approach and address the causes of offending and – very importantly - reoffending. So how do we do this?

Addressing social disadvantage

⁴ Emeritus Professor Dave Brown, 'The Limited Benefit of Prison in Controlling Crime' *Current Issues in Criminal Justice*, 22(1), July 2010, p. 142.

⁵ Brown, op cit., p. 141.

⁶ Rose and Clear in Brown, op cit., p. 141

Of the factors that contribute to high incarceration rates, social disadvantage comes at the top; so addressing social disadvantage must be a key part of the solution.

To this end, in 2008 the Council of Australian Governments has agreed to specific timeframes for achieving six 'Closing the Gap' targets:

- To close the life-expectancy gap within a generation;
- To halve the gap in mortality rates for Indigenous children under five within a decade;
- To ensure access to early childhood education for all Indigenous four years olds in remote communities within five years;
- To halve the gap in reading, writing and numeracy achievements for children within a decade;
- To halve the gap for Indigenous students in Year 12 (or equivalent) attainment rates by 2020; and
- To halve the gap in employment outcomes between Indigenous and non-Indigenous Australians within a decade.

All jurisdictions have committed to work together - with Indigenous people - to achieve these targets.

Progress towards overcoming the extreme social disadvantage experienced by many Indigenous people and communities will go a long way towards reducing the high rates of Indigenous incarceration.

The important role of families

Key to this will be ensuring that we address the dysfunctional family life experienced by many Indigenous young people.

David Malcolm, the former Chief Justice of Western Australia, said in 2007:

"The family is the most important factor in a young person's development. We as a community rely primarily on the family to educate children as to matters such as a shared morality, ethics, and a sense of 'right and wrong'. There is also a link between the dysfunctional family and a deterioration in the self-esteem and self-worth of a young person which may lead

into substance abuse, violence and, eventually, criminal behaviour. There is a need to target resources to assist and support families and children as a strategy in addressing juvenile crime.”⁷

We must clearly address family dysfunction in the community if we are going to make a real impact in terms of young Indigenous Australians’ contact with the justice system. A 2008 study has found up to one in five Aboriginal children have a parent or carer in prison. It is not difficult to see, and the evidence confirms this, that having a parent in prison is considered to be a significant predictor of future criminal behaviour.

The ‘Overcoming Indigenous Disadvantage Report’ released last month emphasises the impact of this, and I quote:

“High rates of imprisonment remove adults from their important roles in caring for the next generation and can lead to the ‘normalisation’ of incarceration. Prison can become more of an expectation than a deterrent; for some it might even become a rite of passage.”⁸

The New South Wales Corrective Services Women’s Advisory Council submission to the Parliamentary Inquiry demonstrates that this is the tragic reality for many Indigenous families. The Council said:

“So many of the people in custody or on community based orders are following the footsteps of their parents or grandparents. When I was going to Muluwa prison a woman came up to me and introduced me to her mother and her grandmother. They had all been in custody and they are all in Muluwa together in the women’s jail. It was not remarkable to them. It was just what happens...”⁹

Community Constables

⁷ The Hon David K Malcolm, ‘Addressing juvenile crime by fixing the dysfunctional family’, *UNDALR* 2007 (9), p. 44-45.

⁸ Brown, op cit, 2010.

⁹ New South Wales Corrective Services Women’s Advisory Council, submission to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Doing Time – Time for Doing: Indigenous Youth in the Criminal Justice System*, June 2011.

It is this kind of evidence that motivated the Federal Government to trial what are known as ‘community constables’ in the Northern Territory. We have established eight sworn community engagement officers to work in remote locations such as Maningrida and Wadeye in the Top End and Ali Curung and Papunya in the south.

Their role is to work in communities to assess the source of crime, and, when it arises from a particular individual or family, to link with other services to address the broader issues that are at the heart of that family’s dysfunction.

These officers will develop links between police and other services in communities such as schools and health providers to ensure the services work together with the community to improve community safety. The eight officers commenced working in communities in early July – so it’s very early days. But the initial feedback that I am receiving about the officers’ work is very encouraging. For example, one officer in Papunya has been involved in what is referred to as the ‘Walking School Bus’. The local school attendance officer walks the streets beating a drum and stops at houses to collect students. At those houses where the students don’t show the community constable gives them some encouragement. I’m told that this has seen an increase in daily school attendance from about 15-20 to approximately 70 children.

A recent program by drug and alcohol councillors in Ali Curung asked a number of youths to list people who they felt comfortable about talking to if the youths were put in a situation they did not feel comfortable with. I’m told that every youth nominated the local community constable.

While these are very initial signs, I am optimistic that the community constables could have a real impact in these communities. I have met the constables they are fine police officers and incredibly decent people – they have a real prospect of turning these communities around.

SCAG – Justice Target

But the reality is that justice ministers cannot address these broader social issues through their portfolios alone. At the last meeting of the Standing Committee of Attorneys General, my state and territory colleagues and I discussed the unacceptable rates of Indigenous incarceration, and I can report that there is a lot of good will to turn these figures around. At that meeting, Attorneys and Justice Ministers resolved to “significantly reduce the gap in Indigenous offending and victimisation.”

In recognition of the need for Governments to address these broader social issues as part of the solution, Attorneys agreed to refer the possible adoption of justice-specific targets to COAG. But while Attorneys-General and Justice Ministers can have only a limited impact on these broader issues of social disadvantage, what we can do is address specific matters relating to the justice system.

The *Doing Time* report made a great number of valuable recommendations, and noted that we would get some big impacts in terms of reducing Indigenous incarceration rates if we focused on a few key areas which I'll briefly mention - the remand population, addressing reoffending, and addressing the rate of incarceration for trivial offences such as fine defaults and traffic offences.

Remand population

The *Doing Time* report notes that about half of those Indigenous young people in detention on an average day were on remand.¹⁰ In fact evidence provided to the Parliamentary Committee noted that

“one of the biggest growth rates in relation to detention for Indigenous juveniles is in remand. These are not children who have actually been convicted of anything but, because they are unable

to meet bail conditions, often because they do not have functional homes to go to, they either breach their bail, or do not get bail in the first place.”¹¹

Evidence to the Committee also noted that 70 percent of juveniles in detention are remanded for bail breaches – usually of a minor or technical nature.¹²

The *Doing Time* report identified the lack of appropriate accommodation available to young offenders whilst they are awaiting sentencing as the single biggest factor for them being unable to comply with bail conditions. Magistrates are actually locking Indigenous young people up because those young people don't have any other suitable accommodation. Jail is seen as the only safe option. So there is a clear need for appropriate accommodation options for Indigenous youth who are granted bail - accommodation that is safe and includes access to services which address their needs.

The Commonwealth has started this process by talking to the Aboriginal Hostels about how their services might meet the needs of Indigenous youth. But this is undoubtedly a big task and one which Commonwealth and State and Territory Governments will need to work together to meet.

Addressing reoffending

Another area where the *Doing Time* report noted that significant gains could be made is by addressing the very high rates of reoffending amongst Indigenous prisoners. A Queensland study showed that almost 90 per cent of Indigenous youth who complete their first sentence are subsequently arrested. Data from Western Australia

¹¹ Submission of the Commonwealth Attorney-General's Department to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Doing Time – Time for Doing: Indigenous Youth in the Criminal Justice System*, June 2011, p 222.

¹² House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Doing Time – Time for Doing: Indigenous Youth in the Criminal Justice System*, June 2011, p 223.

¹⁰ Australian Institute of Health and Welfare, House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Doing Time – Time for Doing: Indigenous Youth in the Criminal Justice System*, June 2011, p 219

shows that recidivism rates for Indigenous juveniles was 8 in 10 for males, and 6.5 in 10 for females.

The *Doing Time* report references Dr Don Weatherburn from the NSW Bureau of Crime Statistics and Research who said:

"One of the reasons the Aboriginal imprisonment rates is so high is not so much the differential in the rate of arrival for the first time as the huge differential in the rate they come back. ...tiny changes in the rate of return to prison make big differences in the number of people in prison. So, if you are looking for a short to medium term strategy for reducing Aboriginal imprisonment, there could be no better place to start than rehabilitation strategies for reducing the proportion of Aboriginal people who, after release from prison, come back to prison".¹³

Reducing reoffending will necessarily reduce high rates of victimisation. We see too many cases of individuals being imprisoned for violence, only to repeat the violence once their sentence is completed and they return to the community. We absolutely must look at time spent in prison as an opportunity to break this cycle of reoffending and victimisation.

To do this we will need to increase our focus on providing rehabilitation through in-custody programs – for example to treat drug and alcohol addiction and provide education and training. There must also be a focus on providing post release support, such as greater access to accommodation, ongoing drug and alcohol services and transitions to employment.

To make this change, significant political will and courage is required. The challenge is to link investments in rehabilitation with improvements in public safety. It needs to be clearly articulated that rehabilitation is not a soft on crime approach but a significant step

in breaking the cycle of violence and victimisation experienced by too many Indigenous people in this country. To make the argument that the correctional system is supposed to correct and not just punish.

Incarceration for minor offences

We must also make sure that incarceration is being used appropriately and not for minor offences – for example unlicensed driving and fine defaults. *The Australian* has reported that in a remote prison in WA, where more than 90 percent of the inmates are Indigenous, 60 percent of those inmates are remanded for unlicensed driving.

In regional and remote communities, where there is very limited public transport available, Indigenous people are more likely to drive without licences. The Committee heard evidence that it is almost normal for Indigenous people to accept that driving illegally is a part of life – something they have to do; and what is a relatively minor offence of driving unlicensed can snowball into a much bigger problem – it can lead to the imposition of fines which go unpaid, which in turn could lead to custodial sentence for fine default.

The excessive use of fines was also reported to impact on the high rates of incarceration – even minor fines may be defaulted due to the lack of a fixed address, low levels of literacy resulting in being unable to read the penalty notice, or a simple inability to pay because of financial circumstances.

High cost of incarceration

But the reality is that the mindless incarceration of people is an incredibly expensive way to deal with minor offences. The real net operating cost per prisoner per day was \$207 in 2009-10.¹⁴ That equates to nearly \$80,000 per prisoner per year. Expenditure on prisons and periodic detention centres totalled \$2.9 billion nationally in 2009-10.

¹³ Dr Don Weatherburn, BOSCAR, House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Doing Time – Time for Doing: Indigenous Youth in the Criminal Justice System*, June 2011, pp 247-248.

¹⁴ Productivity Commission, *Report on Government Services*, 2011

If you accept that in many instances we are taking some communities over the tipping point through extreme rates of incarceration the question must be asked - from the position of fiscal responsibility let alone social responsibility - whether this huge expenditure could be better directed to address the causes of crime and make our communities safer.

This realisation has caused a meeting of the minds between the left and the right in relation to the criminal justice system. We are beginning to understand that the traditional political dichotomy that you are either tough on crime or soft on crime serves us poorly. There is an increased willingness to look at new approaches that show promise of achieving our broader objectives of reducing both crime and victimisation, and creating safer communities.

Justice reinvestment

One such approach is justice reinvestment. It involves funding programs and services that address the underlying causes of crime in these communities ultimately reducing the expenditure on incarceration. The rationale for such an approach is that a large proportion of offenders come from a small number of disadvantaged communities and even households. The theory is that diverting more energy and funding to these communities and vulnerable people to address the underlying causes of crime will produce better results for the money invested.

There are very promising results coming out of the United States and the UK that show the potential of such an approach to have a real impact on criminal behaviour in communities by getting to the source of the problem. For example, in Texas, the Government invested \$241 into local drug and alcohol treatment programs and improved probation and parole services.

There was \$210.5 million saved in the 2008–2009 financial year from the prison budget, and the Texas prison population has

stopped growing for the first time in decades.¹⁵

Evaluation of Indigenous Programs

While I acknowledge that law enforcement is a matter for the States and Territories, at the federal government level we can have a role in influencing policy direction. So, in an endeavour to shift policy towards a justice reinvestment approach, the Attorney-General's Department has committed \$2 million to conduct an evaluation of successful programs that already exist – be they programs to divert minor offenders away from prison, or programs to successfully rehabilitate those already in the system to prevent reoffending.

I expect to see the first interim report of these evaluations by the end of the year and the final report by the end of next year. The results of this evaluation will be important to ensure that in future governments commit funding to programs that are going to succeed in reducing offending and recidivism.

However we do already know about some programs that are achieving results, and I'd like to touch on just a few to emphasise that it's not all doom and gloom - that there is some really good work being done.

Programs already achieving results

The Aboriginal Youth Justice Throughcare Service operating in Perth provides one-on-one support to mentor Aboriginal offenders aged 12 to 18 who are exiting detention. Individual case plans are developed for each young person that encompass education and training, work experience, employment, financial support and accommodation. Since it commenced in July 2010 the program has assisted 17 young people at high risk of recidivism with 11 not reoffending.

The Marist Youth Care Darumu Program for Indigenous Youth supports young people detained or in contact with police in Western Sydney. The program employs Indigenous

¹⁵ Australian Human Rights Commission, *Social Justice Report 2009*, Chapter 2, Case Study 2.1.

caseworkers and has worked closely with Indigenous consultants to achieve cultural competence. Between July and December 2010, 18 Indigenous young people were provided with support with 16 not reoffending.

Senator Mark Arbib also recently announced funding from the Indigenous Employment Program for a project in the Junee Correctional Centre. The project will provide transitional services for Indigenous inmates transferring back to community including job training, mentoring, work experience and links to appropriate support services. This is recognising that one of the best ways to stop reoffending is to ensure inmates who are released have access to employment.

We are seeing good initial results from a trial of multi-systemic therapy in NSW - an intensive family and community-based treatment program for chronic and violent juvenile offenders which focuses on their homes and families, schools and teachers, neighbourhoods and friends. Therapists are available 24 hours a day, seven days a week and meetings take place in the young person's home. As of May 2010, 87 families had entered the program, with 90 per cent successfully completing it. Preliminary findings show substantial decreases in rates of offending by juveniles.¹⁶

I think the main thing about these programs is the vital importance that they are developed in partnership with the local communities themselves. Commenting, for example, on the value of Circle Sentencing an Aboriginal lawyer Gail Wallace has reflected;

"Circle sentencing allows communities to reclaim some control over their own social problems and establish the mechanisms necessary to solving those problems. It is assisting beyond simply reducing the rate of reoffending; it is educating the whole community about crime. Circle sentencing is teaching us that crime is destroying our families and communities, mainly because

*it is taking mothers, fathers and our kids away."*¹⁷

Conclusion

In *Neal v R* Justice Murphy noted that "Aboriginal sense of grievance has developed over the 200 years of white settlement in Australia."

Our challenge in considering Indigenous over-representation in the justice system is to likewise set it in its context. To understand the part that disadvantage plays in Indigenous people ending up in prison, but equally the way the number of Indigenous people in our jails contributes to that disadvantage.

In understanding the complex web of problems that have come from the history of Australia since colonial settlement we can understand there is no one solution. Instead we need to work on many fronts to address the injustices that still exist.

To date not enough focus or action has been taken in addressing Indigenous incarceration. This needs to change. We need to address the injustices still in the justice system. That is why I have made responding to the House of Representatives Committee's *Doing Time Report* a top priority for my Department. All Australian governments must recognise that Indigenous incarceration is both a symptom and a cause of disadvantage and commit to making changes that respond accordingly.

There is undoubtedly a strong desire and a lot of good will to address this injustice – but we need to work together, closely with the Indigenous community, and redouble our efforts to get on with constructive programs that make a real difference.

¹⁶ Minister for Juvenile Justice, New South Wales Legislative Assembly Hansard, 19 May 2010.

¹⁷ Nowra Circle Sentencing – Seven Years Down the Track, Gail Wallace, *Indigenous Law Bulletin*, January 2010, Volume Seven, Issue

Ghostly Giles says 'Thank you'

Giles Pickford, although fully retired since 1998, has been a contractor alongside Peter Scardoni for eleven years in the Association for Tertiary Education Management (ATEM). Together they ensured that the fledgling Faculty had a home in their office in the basement of University House. ATEM was ANUEF's non-rent collecting landlord. Then, when the ANU decided faculty members were worth it, ANUEF won its own accommodation on campus, and Peter and Giles brought their bits and bobs with them and stopped paying rent to University House. However, ATEM has always allowed ANUEF to use its office equipment which Giles and Peter brought with them.

"It was a symbiotic relationship, similar to the relationship which humanity enjoys with yeast," says Giles.

This month Giles finally decided to end his contract with ATEM. Peter will do a few more years as he is paying off his truck. Giles was awarded the ATEM President's Award "in recognition for outstanding service to ATEM, the ATEM Foundation and the Tertiary Sector". Here is his thank you to ATEM.

"ATEM is something that has always intrigued and enchanted me. I think is because it is involved in the creation of the Australian civilisation, a project which will never end.

"The role of Government is to wield power and if this is done well it brings justice and fairness to the people and defends them from their enemies. The role of Industry and Commerce is to produce goods and services and create wealth which benefits everyone. The role of Tertiary Education is to create a civilisation and maintain it into the future. The less interference it gets from Government and Industry, the more it will succeed (I wish there was a metric for interference, but it is just about the only thing that is not measured).

"We manufacture the future because we shape the young minds of the world, and challenge the older minds continuously.

"Being on the cusp of retirement it gave me cause to stop and think. I eventually found what best expressed my situation in Alfred Lord Tennyson's poem on the death of Arthur. Here is Arthur Pendragon, the first King of the English, speaking from his death bed:

"The old order changeth, yielding place to the new.

*And God fulfils himself in many ways
Lest one good custom should corrupt the world"*

"I have been involved in sustaining ATEM for a long time and that time had to run out. Arthur was right. There are "many ways" to choose from: and the young must have the space in which they can freely do the choosing.

"The role of the older generations, and by that I mean the over 70s, is to give unconditional loving guidance when it is asked for, and not when it isn't.

"I am fortunate to be a member of two organisations that do that. The ATEM Ghosts (the retired members) are there when we are needed by ATEM. We also raise funds for the ATEM Foundation by indulging in a bit of measured carousing at an annual lunch. The price of the lunch is set in a way which encourages the Ghosts to be seen as an elite. The second one is very similar in nature. It is the ANU Emeritus Faculty which consists of 174 retired members of staff who actively support the ANU across a whole range of activities.

"So I conclude by thanking Stephen Weller, the ATEM Council and the ATEM Secretariat, for honouring me with the President's Award. It is a great privilege to be recognised in this way. Thank you also to all of ATEM for what you are doing to help create a civilisation."

**Giles Pickford
Convenor of Ghosts
17 August 2011**

Help for Libyan students

The Australian Government will assist around 650 Libyan students, and their dependants who have been left stranded in Australia without funds for study and living costs due to the conflict in their home country.

The Acting Minister for Foreign Affairs, Craig Emerson, and the Minister for Tertiary Education, Senator Chris Evans, has announced a \$1.5m loan to the Libyan Embassy to support the students and their families for the coming month.

The assistance would allow the students to stay and continue their studies.

"Universities have demonstrated outstanding humanitarian support for their Libyan students through this difficult and uncertain time," Senator Evans said.

"Their willingness to provide emotional, academic and financial assistance, including deferring tuition fees for their Libyan students, clearly demonstrates the best of Australian compassion and care for international students."

In addition, Universities Australia has coordinated information between government and institutions to progress possible solutions.

A fact sheet for Libyan students is available on the DIAC website
http://www.immi.gov.au/students/_pdf/libyan-students.pdf

National Legal Profession draft legislation

Attorney General Robert McClelland has released draft legislation, on behalf of participating jurisdictions, to facilitate the development of a National Legal Profession.

Mr McLelland said, "I still believe very strongly that we can no longer justify the disparate regulation that exists for such an important profession that generates around \$13 billion in economic activity each year."

The draft legislation is available on the Attorney-General's Department website:
www.ag.gov.au

Multiculturalism and migration law

In some Australian jurisdictions, state law underpins government commitments to support cultural diversity and to ensure full social participation of migrant communities. However, when it comes to social inclusion, is there a good fit between these laws and the federal framework of legislation governing migration?

Parliament's Joint Committee on Migration discussed this question with the **Australian National University's Migration Law Program Legal Workshop** at its public hearing in Canberra on 24 August.

The Migration Law Program's Legal Workshop has a research focus on the practical operation of Australia's migration law and its administration. The Law Program also delivers training for qualification and professional development courses to registered Migration Agents.

Committee Chair Maria Vamvakinou advised: "The Migration Law Program's submission maintains that genuine social inclusion requires just and consistent decision-making for all visa applicants, whether they are humanitarian entrants or skilled migrants seeking to fill professional jobs in a skill shortage".

The submission was written by the Sub-Dean of the Migration Law Program, Ms Marianne Dickie, and former Senator and now Research Fellow Mr Andrew Bartlett, both participants in the Legal Workshop.

More information about the inquiry and submissions can be obtained from the Committee's website www.aph.gov.au/mig or from the Secretariat on (02) 6277 4560.

Inaugural Chair of Military Surgery and Medicine

Michael Reade has been appointed to the inaugural Chair of Military Surgery and Medicine at the University of Queensland.

He will lead military research with a focus on the unique requirements of Defence in pre-hospital care, trauma, burns, damage control, resuscitation and surgery.

He has a Doctorate from Oxford, a Masters in Public Health from the University of Pittsburgh and qualifications in both anaesthesia and Intensive Care Medicine as well as 21 years of service with the Army Reserves including five operational deployments.

The Chair of Military Surgery and Medicine will have close links with the Centre for Military and Veterans' Health as well as the Royal Brisbane and Women's Hospital. Associate Professor Reade will be located at Herston Campus, University of Queensland.

Call for Papers

European Dilemmas: Internal and External issues facing the European Union, December 7-8, 2011, University of Waikato, New Zealand. This is a multidisciplinary conference to investigate the broad phenomena which currently impact greatly on the EU, whether internally or externally. In the first instance we are calling for abstracts from potential presenters. Abstracts of 300 words should be submitted online by 1 August 2011. Please go to www.eucnetwork.org.nz.

What's on at ANU

What's On at ANU is a fortnightly email for staff and students that aims to highlight many of the interesting, enlightening and engaging public lectures, seminars and events happening around the university.

All of these events are open to the public. Please check if reservations are needed.

For more information on any of the events listed, or to see a calendar of upcoming events, go to

<http://billboard.anu.edu.au/events.asp>

Archives Lecture

Senator John Faulkner will deliver the 10th Annual Archives Lecture, '*Proud past, bright future?*', sponsored by the ANU Archives Program and the Friends of the Noel Butlin Archives Centre.

Time: 6pm, Thursday 15 September 2011

Place: Theatre 1, Manning Clark Centre, Union Court, ANU

His talk also opens the '*Labour History and its People*' conference hosted by the Australian Society for the Study of Labour History in association with the ANU National Centre for Biography.

Inquiries to Noel Butlin Archives Centre:

gregory.bell@anu.edu.au, ph. 6125 2219.

There is no need to book, but please arrive promptly to ensure your seat!

Doctors' English language requirement

The House of Representatives Committee on Health and Ageing is continuing its inquiry into overseas trained doctors registration and support processes. The focus at its recent public hearing was on the English Language Skills Registration Standard required by the Medical Board of Australia for overseas trained doctors wishing to practise in Australia. The Committee discussed the Standard with test providers, academics and English language teachers.

For more information contact the Committee Secretariat on (02) 6277 4145 or visit the Committee's website: www.aph.gov.au/haa.

Monthly get-together

Usually the ANUEF meets monthly on the **first Wednesday of every month** for members to get together informally. The Collegiality Lunches will run until the last one for 2011 in November. The meetings are held in the Molony Room. Members can

bring their own lunch, or buy one from Caterina's next door. Drinks are available for a donation of \$2 and tea, coffee and juice are available. There is sometimes a theme for these lunches. Please come if you can. There is no need to RSVP

ANUEF diary dates

21 September - Sally Ninham *A Cohort of Pioneers, Australian postgraduates and American postgraduate degrees*

19 October - Ian Young, ANU Vice-Chancellor. Topic TBA

16 November - Adrian D'Hage *The Dangers of Religion and US Foreign Policy in the Middle East*

21 December Committee + ANUEF AGM + Christmas Party

More details can be found here:
<http://www.anu.edu.au/emeritus/events.html>

Past Emeritus Faculty Lectures

The ANU Emeritus Faculty continues to host lectures each month covering a great range of topics (see dates above). The web site has a page that lists past lectures and events which in turn, has links to individual pages for each event. These individual pages enable you to view the abstract and brief bio of the speaker as well as providing access when available, to audio or video recordings of the lecture, transcripts and presentations. The "Past Lectures and Events" page may be accessed by clicking on the appropriate button on the "Events" page or by keying the following URL into your browser -

http://www.anu.edu.au/emeritus/events/Past_Events.html.

Below is a list of past lectures for which material such as audio or video recordings, transcripts and presentations may be accessed.

2011

- | | | |
|--------------|--|--|
| 15 June: | Michael McKernan <i>"Doing History Differently"</i> | abstract, audio and video |
| 20 April: | Paul Collins <i>"Environmental Thugs and 'Geologists'"</i> | abstract and audio |
| 16 March: | Peter Stork <i>"A Theologian among Scientists"</i> | abstract and presentation |
| 16 February: | Giles Pickford <i>"Universities: the first 2,500 years"</i> | abstract, audio and presentation |

2010

- | | | |
|---------------|---|---|
| 18 October: | Seminar <i>"RESEARCH ASSESSMENT AND PUBLICATION METRICS - THE BEGINNING OR END OF AN ERA?"</i> | abstract, audio and presentations |
| 15 September: | Don Anderson <i>"The Great Private/Public Schools Divide"</i> | abstract and audio |
| 18 August: | Jack Waterford <i>"Have We Learnt Anything?"</i> | abstract and audio |
| 22 July: | The 10th Anniversary of the Establishment of the Australian National University Emeritus Faculty | speeches |
| 14 July: | The Lindsay Pryor Memorial Lecture with Peter Kanowski <i>"Lindsay's legacy: sustaining Canberra's urban forest"</i> | abstract and audio |
| 16 June: | Vice-Chancellor Professor Ian Chubb <i>"Research universities and Australia's place in world"</i> | abstract and audio |
| 19 May: | Andrew Blakers <i>"Solar Energy"</i> | abstract and audio |

- 21 April: Richard Denniss "*Climate change, economic justice and the political process - why democracies struggle with the bleeding obvious*" [abstract and audio](#)
- 17 March: Ron Wells "*How does latitude affect the human birth sex ratio?*" [abstract and transcript](#)
- 17 February: Alan Roberts "*A modernist masterpiece: building the Academy of Science's Shine Dome*" [abstract and video](#)

2009

- 11 November: Peter Stanley "*Historian at work: my life as a military social historian*" [abstract and video](#)
- 14 September: Professor Ross Garnaut "*One Year After the Garnaut Climate Change Review*" [abstract and audio](#)
- 19 August: Maev O'Collins "*Isles of Exile: Australia's Living History*" [abstract and audio](#)
- 1 July: Bryan Furnass "*When we die - A Case for easier deaths and natural burials*" [abstract and transcript](#)
- 20 May: Tony Kevin "*Exploring diplomacy as a culture*" [abstract and transcript](#)

2008

- 19 November: Geoff Davies "*Structural flaws in the economic system*" [abstract and audio](#)
- 17 September: Professor Anthony H Johns "*The Sufi tradition in Muslim life and thought*" [abstract and transcript](#)

- 18 June: Gavan McCormack "*Australia Facing Northeast Asia: Thoughts on Prime Minister Rudd's Inaugural Visit to Japan*" [abstract and transcript](#)
- 16 April: Ian Buckley "*The Gallipoli Campaign: Aims, Options, Outcomes*" [abstract and transcript](#)

2007

- 21 November: Bryan Furnass "*Entropy, climate change and health - how shall we adapt?*" [abstract and transcript](#)
- 17 October: Peter Stork "*The Ambiguity of Human Rights in the Face of Escalating Violence*" [abstract, transcript and powerpoint](#)
- 18 July: Ian Buckley "*A Case History: Britain, Empire Decline, and the Origins of WW1: Or, Might the Lessons of the Boer War have 'Saved the Day'?*" [abstract and transcript](#)
- 16 May: Professor Anthony H Johns "*The Qur'an: drama, paradox, poetry and ambiguity: dynamics of a revelation*" [abstract and transcript](#)

Your benefits

Check this web site for a list of benefits enjoyed by members.

<http://www.anu.edu.au/emeritus/benefits.html>

Next Emeritus out in October