02. D Kault

Name D Kault

Proposal 2–1

Proposal 2–2

Question 3–1

The issue of excess Aboriginal incarceration is very important. However, it is a symptom of an underlying problem and treating it as a problem in its own right would be counterproductive. In particular, this discussion paper by the Australian Law Reform Commission is premised on racism. It is suggested by all the questions the commission sets itself to address that Aboriginal people are less capable than normal people of avoiding criminal behaviour and they should be regarded like mentally impaired people and be held to a lower standard in terms of culpability and liability to punishment. I am particularly horrified, because many of the victims of crime committed by Aboriginal people are Aboriginal themselves. The Australian Bureau of Stats figures support the common experience of everybody who, like myself, have worked long term in black settings - that a substantial proportion of the crime committed by indigenous people is serious, violent crime, not mere traffic violations which are being unduly harshly punished. An unfortunately common scenario is the murder of an Aboriginal woman by her Aboriginal male partner. In suggesting that such criminals should be sentenced less harshly than is the case in the general community, the ALR Commission is in effect devaluing the lives of Aboriginal women. This is vicious racism.

There is separate aspect which should be taken into account. Almost the first finding of the Aboriginal Deaths in Custody Royal Commission years ago, was that the excess of Aboriginal deaths in custody was a reflection of the excess numbers of Aboriginal people in custody and there was no disproportionate death rate of Aboriginal prisoners compared to non-Aboriginal prisoners. I have authored a paper which takes this further and shows that the age matched mortality rate of Aboriginal prisoners is about one quarter of the mortality rate of the general indigenous population  ("Comparison between Indigenous mortality rates in a provincial Queensland prison with the general Indigenous population." Annals of the ACTM Vol 16 Issue 3 Nov(2015) ). In my experience as a doctor in a number of remote indigenous communities and in a Northern Australian prison, imprisonment of those who are drug or alcohol addicted and who create mayhem in their communities, provides much needed respite for the community and much needed health improvement for the prisoner. Shortening sentences because someone is Aboriginal would not only be an expression of the most extreme paternalistic racism but would do an immense diservice to both the Aboriginal community and the prisoner.

Question 3–2

Question 3–3

Question 3–4

Question 3–5

Question 4–1

Question 4–2

Question 4–3

Question 4–4

Proposal 4–1

Question 4–5

Proposal 5–1

Question 5–1

Proposal 5–2

Question 5–2

Proposal 5–3

Question 5–3

Proposal 5–4

Proposal 6–1

Question 6–1

Question 6–2

Question 6–3

Question 6–4

Question 6–5

Question 6–6

Proposal 6–2

Question 6–7

Question 6–8

Question 6–9

Question 6–10

Proposal 7–1

Question 8–1

Question 8–2

Question 9–1

Proposal 10–1

Question 10–1

Proposal 11–1

Question 11–1

Proposal 11–2

Question 11–2

Proposal 11–3

Question 12–1

Question 12–2

Question 12–3

Question 12–4

Question 12–5

Question 12–6

Question 13–1

Other comments?

File