

## **Incarceration Rates of Aboriginal and Torres Strait Islander Peoples (DP 84)**

*Submission to the Australian Government Law Reform Commission in relation to the consultation paper dated 19 July 2017*

### **Introduction**

The Foundation welcomes the opportunity to make a submission on the incarceration rates of Aboriginal and Torres Strait Islander peoples to the Australian Government Law Reform Commission

We support the purpose of the investigation and would like to comment on the social factors that contribute to high rates of incarceration. We have used our knowledge of gambling behaviour, harm from gambling, and the gambling environment to inform our commentary. We do so in relation to the potential for reducing harm from gambling in Aboriginal communities. In formulating this advice we have drawn on our academic research and particularly our engagement with the funded Aboriginal Gambler's Help services

### **About the Foundation**

The Victorian Responsible Gambling Foundation is a statutory body established in 2012 with the bipartisan support of the Victorian Parliament. The Foundation was established with three objectives:

- reducing the prevalence of problem gambling
- reducing the severity of harm related to gambling
- fostering responsible gambling.

Operating within a public health framework, the Foundation strives to meet its mandate by acting across four key areas:

- providing effective and accessible Gambler's Help counselling services, including within Aboriginal communities and also to Culturally and Linguistically Diverse communities
- increasing community awareness about the risks of gambling and the help available, through public campaigns and community education
- providing information and advice to the community on the Victorian gambling environment to promote discussion and participation in decisions about gambling
- conducting research to better understand the impact and address the negative consequences of gambling in our communities.

The Foundation's primary responsibility is identifying, understanding and ameliorating the impact of gambling harm in Victoria.

The Foundation funds the delivery of Gambler's Help services across Victoria including the delivery of services in partnership with four Aboriginal Community Controlled Health Organisations. These are:

- Gippsland & East Gippsland Aboriginal Cooperative in Morwell and Bairnsdale
- Mallee District Aboriginal Services in Mildura and Swan Hill
- Rumbalara Aboriginal Cooperative in Shepparton
- Victorian Aboriginal Health Services in metropolitan Melbourne.

The Aboriginal Gambler's Help services deliver individual clients services, traditional healing approaches, and community engagement strategies. Through their work the Foundation has access to the accounts of hundreds of Aboriginal people affected by harm from gambling.

The Foundation is also fortunate to have what is regarded as a rigorous, independent research program which informs our understanding of harm from gambling in Aboriginal communities.

## **Gambling in Aboriginal communities**

Participation in recreational gambling is high according to research studies with around 80 per cent of the Aboriginal population participating, compared to 64 per cent of the general community (Hing et al. 2014). The number of Aboriginal people experiencing harm from gambling is also high with close to 30 per cent of the Victorian Aboriginal population affected (Hare, 2015).

It is important to note that gambling in Aboriginal communities has its own specific features and cultural attributes<sup>1</sup>. These include positive as well as negative consequences for the community and its members.

However, gambling, including the use of commercial products, is correlated with harm in ways specific to Aboriginal people. The Aboriginal Gambler's Help services have identified, and are responding to, the challenges of this harm.

The Foundation suggests engagement with these services by the inquiry would be fruitful and welcomes any opportunity to assist in this.

## **Harms from gambling**

Harms experienced as a result of problem gambling include: financial harms, relationship disruption, conflict or breakdown, emotional or psychological distress, detriments to health, cultural harm, reduced performance at work or study, and involvement with criminal activity (Browne et al. 2016).

The Aboriginal Gambler's Help services estimate that *around forty per cent of their clients are involved with the corrections system either directly or indirectly (as affected others) due to gambling*. Common scenarios include stealing to subsidise a gambling addiction, and being unable to pay fines and bills because of gambling losses.

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<sup>1</sup> A short summary of these specifics can be found in Hing, N and Breen, H. 2014, [Indigenous Australians and gambling](#) AGRC Discussion paper No.2

*For example: An older woman presented to an Aboriginal Gambler's Help service seeking assistance as she was facing eviction. In discussion it transpired that the woman's niece had stolen her credit card to subsidise a gambling spree and as a result the older woman now had significant debts she was unable to repay.*

Aboriginal Gambler's Help services have identified that, because many Aboriginal clients are concurrently experiencing a number of social and health issues, their gambling problems are commonly not identified or addressed within the justice system.

*For example: An Aboriginal Gambler's Help service that works with the Koori Court routinely sees clients with gambling and drug and/or alcohol issues referred solely for drug and/or alcohol assessment.*

Aboriginal families and communities tend to be closely connected and consequently one individual's gambling problem can have a flow on impact to the wider family and kinship network. This impact, often called the ripple effect, can lead to criminal behaviours in family members.

*For example: A young Aboriginal man reported to an Aboriginal Gambler's Help service that all of the adults in his family gambled problematically. This meant that there was often no food for him and his siblings, and that there were no adults to provide guidance and supervision as they were frequently at pokies venues. The young man perception was that he had become involved in theft in order to acquire food because of his parent's gambling problems.*

Contextually gambling may also be present in situations of family violence and child neglect. Where this is occurring, harmful gambling may add to or exacerbate the overall harm being experienced. Aboriginal Gambler's Help Services do identify cases where the gambling does create or make worse family violence or child neglect. Violence within families does occur because of the financial and emotional distress experienced as a result of gambling losses.

For example: An Aboriginal Gambler's Help service reported that many young mothers had shared the experience of violence in the home triggered by gambling losses. In particular one woman spoke about her partner who routinely became violent after losing his pay cheque playing pokies. Another woman reported that trying to hide the losses from her own gambling led to her lying to her partner and children which in turn led to anger and aggression between family members.

A recent research report published by the Mallee District Aboriginal Service 'Gambling in the Sunraysia Aboriginal Community' (2017) found a link between gambling and family neglect, family violence, drug and alcohol addiction, poverty and criminal activity.

The report is available for public download from the Mallee District Aboriginal Service website: <http://www.mdas.org.au/page.php?id=3&bid=154>

## **Recommendation**

The Victorian Responsible Gambling Foundation recommends that the Australian Government Law Reform Commission consider harm from gambling as a contextual factor in the investigation of Incarceration Rates of Aboriginal and Torres Strait Islander Peoples.

## References

- Hare, S. 2015, [Study of Gambling and Health in Victoria](#). Victoria, Australia: Victorian Responsible Gambling Foundation and Victorian Department of Justice and Regulation, p 67
- Hing N and Breen H. 2014, [Indigenous Australians and gambling](#), AGRC Discussion paper No.2. Australian Institute of Family Studies, Melbourne
- Hing, N, Breen, H, Gordon, A & Russell A. 2014, [Risk Factors for Problem Gambling Among Indigenous Australians: An Empirical Study](#)++ , Journal of Gambling Studies, 30:387–402
- Maltzahn K. et.al. 2017, [Gambling in the Sunraysia Aboriginal Community](#), Mallee District Aboriginal Services