12. First Nations people with a disability and the criminal justice system

**Marissa**

Hello and welcome to International Disability Day 3rd December 2022. This is 3CR community radio 855AM on the dial, streaming live on 3CR.org.au. I'm Marissa and I will be presenting a show on First Nations people and the criminal justice system.

I will be with you for the next hour. Thanks for joining me. First up on the show we'll be speaking with June Riemer, First Nations woman and Deputy CEO of First Peoples with Disability Network, and also with Kelly Cox, who will be joining June.

**Marissa**

Kelly is a descendant of Wimiri people, living in the Bundjalung nation. And she's an ambassador for First Peoples Network and is a disability wheelchair user involved in systemic advocacy and human rights of people with disability. And June, when she joins us will speak about what land she is from. And then we will be joined by Peter MacGillivray, who is a South Sea Islander lawyer and First Nations woman and researcher about First Nations people and the criminal justice system. So today, we will bring you lived experience of disability and First Nations led programs.

**Voiceover**

You're listening to 3CR community radio 855AM. Visit the 3CR website at 3CR.dog.au/podcasts to hear the most recent recording from each show or 3CRr.org.au/streaming to listen live.

**The Marindas**

 Hi, we're The Marindas and you're listening to 3CR community radio, 855AM.

**Voiceover**

The Black Lives Matter movement is not going away here or overseas. It gives me hope. Seeing the numbers of people that turn out to these Invasion Day demonstrations in Melbourne. It gives me the understanding that way will win folks. We will succeed!

**Voiceover 2**

You're listening to radical radio on 3CR. 855 on your AM dial, 3CR digital and podcasting and streaming on 3CR.dog.au.

**Voiceover 3**

Because if we don't talk about us, everybody else is going to and they're going to get it wrong.

**Pauline**

 3CR's International Day of People with Disability broadcast.

**Marissa**

Our next interview is going to be with June Riemer, who is the Deputy CEO of First People Disability Network. And she's a Gumbaynggirr woman from the north coast of New South Wales, and June has worked in community care for 40 years, and has a passion for the rights of First Nations people living with a disability. She is represented nationally and internationally at the United Nations in New York.

**Marissa**

Then with her, we're going to be speaking also with Kelly Cox, who is a descendant of the Worimi people, living in the Bundjalung nation. And she's an ambassador for First Peoples Network, and is a disability wheelchair user involved in systemic advocacy and human rights for people with disability. Hello, both of you, Kelly and June. Welcome to the program.

**June**

How are you?

**Kelly**

Thanks for having us!

**Marissa**

Oh, it's so great to have you. And we're actually going to be speaking presently, with both of you in regards to First Nations and the criminal justice system, but also talking about it in the context of, of disability as well. And that's really important, isn't it?

**June**

It is.

**Marissa**

So June, can you just start off? I've already introduced you. But could you just start off just saying specifically what land you're from? Because it's really important for listeners to know exactly what land and how it's pronounced. So could you just tell them again, what land you're from?

**June**

Yeah, so it's actually north coast, New South Wales. So I live on the lands of the Gumbaynggirr people, which is my descendants. But I'm actually also Dunghutti descendants, which is from the Kempsey region of the north coast up to the Coffs Harbour area. And then Kelly who's joining me on this, is the next area, which is Bundjalung.

**Marissa**

Wonderful and that's music to my ear. Hearing those words. Now, Kelly, what land are you from?

**Kelly**

So I'm a descendant of the Worimi people. So further south than where June is around the (something) Newcastle and Cooroora area. I grew up on Biripi country in Tarree. And I'm currently living on Bundjalung land up in northern New South Wales.

**Marissa**

Wonderful. So this show really looks at celebrating and honouring International Disability Day, which is happening on the 3rd December. And a lot of people like to celebrate the day and some people don't some people think there's been no change at all. So just to start off the interview, June, I'm just wondering if you could just tell us a little bit about the First People's Network.

**June**

Yes, so thank you, correct. Yeah. So we're First Peoples Disability Network. We're a national systemic peak, representing Aboriginal and Torres Strait Islander people living with disability, their carers and families. So we've been around for over 20 years now, and can place our origins back to a forum that was held in Alice Springs in 1999.

So my work, as Kelly has mentioned, comes from the human rights framework, with regards to those living with a disability. That they have a right to access society, and a right to access services. So a lot of our work is educating the sector, but more importantly, supporting our mobs to know about their rights.

**Marissa**

Absolutely. And do you also identify as a woman with a disability?

**June**

No, I don't actually. But my family I grew up with, most Aboriginal people with family have, you know, some form of disability. So at FPDM we would say that it'd be hard to find any mobs across this land that don't live with some form of disability because of historical reasons. So we have all had some form of anxiety in regards to navigating systems and programs that weren't designed for us. So it creates a lot of anxiety within our communities.

**Kelly**

And traumas and intergenerational trauma and the impact of all of that, because it's a snowballing effect.

**Marissa**

That's exactly right, Kelly. And in fact, all our stories are different aren't they? I also have a vision impairment. So every disability is different. And I think what's important here is there's there's so little information, and so little opportunity for First Nations people with disability to tell their stories, isn't it? What do you think about that? Kelly?

**Kelly**

I agree. I think that we talk a lot about systems. The systems and governments in general about things like the NDIS or other services for disabled people, but there's not often a lot of conversation about how that impacts First People with disability. And the particular barriers and the disproportionate amount of barriers for those people and how we can make those systems better and more fit for purpose for community.

**Marissa**

Absolutely.

**Kelly**

I think, just to add to that, the International Day, is probably a good example. So I'm one of those people that don't celebrate, or really acknowledge the day because I think it's very much become a day where service providers promote themselves and are running any days that are to acknowledge it. Community often aren't even accessing those services, because they can't. So I think it's a day that could be could be taken back by this disabled community a lot more.

**Marissa**

I'm so glad that you mentioned that. Kelly. Because often, it isn't a day of celebration. I mean, could it be also that it can be seen as a day of mourning? Not for deaths.

**June**

I don't think so, no I don't think, for our First Nations people living with disability, we've always been an inclusive society. But the reality is for a lot of our mob, we live in disadvantage states or live with poverty. So it's more about resilience and just getting on with it.

So, Aboriginal people, we collectively have always been inclusive of differences in our communities. So it's not about celebrating anyone's differences. So it's a different conversation. But more importantly, we need to recognise that many of our people live with differences, and particularly undiagnosed disabilities.

**June**

So it's recognising those differences, that society needs to include our Aboriginal people. It's also a western concept about celebrating. So it's not really culturally, the way we do business. We just include, we don't have separate days for separate titles, or separate diagnoses or separate themes, we're just always inclusive. So that's where the different areas around understanding and the educational components. So a lot of people don't necessarily join.

**Marissa**

Absolutely.

**June**

But in saying that, a lot more people are. So I'm just about Melbourne at the moment, but this afternoon, I'm flying up over to Perth, and then be going up to Derby in Western Australia. So Derby's holding their first International Day of People with Disability event and expo. Trying to promote within the community, the amazing things that mob do with disability. So there's a couple of stories around it, really.

**Marissa**

Yeah, June and it's very true, what you're saying, and this is why I'm doing the show, because everybody has a different viewpoint. Everybody has different experiences and different lived experience as well.

**Kelly**

Can I add to that, that there's a growing Disability Pride movement across the world. Which includes First Nations people with disability as well. And so I subscribe to that, I'd say. I'm proud disabled woman. A lot of that sometimes can be related to that we are existing, and we are getting through the barriers and the hurdles as much as we can, and there should be pride in that. So, I think that, I certainly don't subscribe to a concept where I'm mourning or sad that I have a disability.

**Marissa**

Oh no, definitely not.

**Kelly**

It's about that community at large, as June said, disability has always existed, and there is an over representation in community. So we want people to accept that as just, that's what it is. And we need to make... yeah,

**Marissa**

Absolutely. Kelly. Look, I've got a bit of a warped sense of humour. When I actually said the word mourning, before we move on to that, I didn't mean about people dying, or that people had to mourn their disability. I just meant that in some ways, and perhaps maybe I should have said it better, is in terms of people not having the right access to services and not celebrating it.

**June**

Yeah, that's so you've hit the nail on the head there. In creating more exposure around International Day of People with disability, it creates that visibility. So people are visible, whether it's a physical disability, or those hidden disabilities, which we have in our community. It's about people coming forward and going "Yeah, yeah, I live with differences. But, you know, I'm here and see me".

**June**

And I think that's what we would want to create in regards to not necessarily celebrating but recognising International Day of People with Disabilities. If people are more visible and people understand there are so many different forms, and particularly in our communities, undiagnosed disabilities. It's not that they're not coping, but they just maybe need another helping hand to access things. So it's giving that visibility to those that are unrecognisable and, and giving a voice and given a vision.

**Kelly**

Absolutely. And I think highlighting some of First Peoples achievements so that younger people coming through with a disability can see that there is opportunity and there's potential and just highlighting the really good things as well.

**June**

What we're trying to move away from, so our founding elder who was a Bundjalung man where Kelly lives. Uncle Lester Bostock. He was the person that coined that phrase about double disadvantage. To be aboriginal in Australia today can be a disadvantage. If you have a disability, there's the double disadvantage, because where do you put your hand up? You may get some of your cultural needs met, or do you get your disability needs met? But sometimes you don't get both of those needs met.

**June**

And getting back to what Kelly was saying about the next generation, we want them to participate in this society, disability or no disability, being Aboriginal be proud of both. But for many of our young people to take another label, they've already got the stigma, in many areas of being a young Aboriginal person, and then to put their hand up and go "Oh yeah, and I live with another difference in my life". You know, it's shame for most, most young people, whether they're Aboriginal or not, don't want to put their hand up that they're different.

**Kelly**

I think for parents as well, June, there's a real fear, linked to the stolen generation and things like that. For a parent to show up to some government agency like the NDIS. And say "we're struggling, and we need some help". Because there's a real fear in that. And that's an issue, and it's something that needs to be looked at and addressed, for people are comfortable to access the services that they're entitled to.

**Marissa**

Well, I'm really glad that my question actually generated some really healthy, robust discussion.

**Kelly**

Correct. Yeah. We could go on all day.

**June**

When we come together, that's what it's about. And it's the little things that people living with differences, as I always call it. So last night, I was at the First and Forever concert that Briggs put on out at Hanging Rock in the Macedon ranges. And we're seeing more and more, which you wouldn't have seen before, but accessibility for people with disability.

So there was so many people out there. And so they should be. First Nations people with disability, knowing they can go to event and their needs will be met. In a few years back, you wouldn't have seen the portable disability loos, for example. They're the little things that make life much more easier for all our mobs, all our people. To just do everyday life, that's all everyone with disability wants.

**Marissa**

Oh June, I couldn't agree with you more.

**Kelly**

And to know that it's going to be there as a a standard thing. Not as a wheelchair user, if I want to do something, often I have to do a whole bunch of research that other people wouldn't even think of. Is it accessible? Are there toilets, are there any steps? All of that stuff, which takes the fun out of things.

**Marissa**

Yeah. Tell me about it.

**June**

Why would I bother? Like, in the end, it all gets too hard.

**Kelly**

Too much, yep.

**Marissa**

I'm not a wheelchair user. I have a vision impairment, but I mean, I love disabled toilets, because I can actually go in there. I don't have to make make an idiot of myself groping around for the toilet paper. And there's braille in a lot of those toilets as well. So of course, I think it really isn't very safe. For a blind person in a public toilet, sometimes you never know what can happen although I have actually had some self defence strategies up my sleeve. So look out anybody that tries to touch me! (Everyone laughing).

**Kelly**

Forewarning. She's coming!

**Marissa**

Forewarning indeed!

**Kelly**

That you feel like you need to have that, is the issue. That's crazy that you have got that.

**Marissa**

Exactly. That's right. There's three very strong women listeners, speaking about issues that matter. But the topic for the show today, and we haven't gone off topic, this is really important because we're looking at Disability Day. But I wanted the two of you to really comment as well, on Aboriginal people with disability in the criminal justice system. Can you two shed some light on that? It's a very complex topic, and we'd be we could be here all night, but...

**Kelly**

Do you want to start June?

**June**

Yeah, and I'll hand over to you Kelly. I just think quickly, the reality is for most of our mob incarcerated, are undiagnosed disabilities. It's virtually youth detention they shouldn't be there in the first place. And it's already been, research has been done that over 70% of our mob that are incarcerated currently have some form of undiagnosed disability. Never been diagnosed from a young age. So there needs to be more diversional programs to support especially our women in jails. It's not the place for them to be when they're undiagnosed disability.

**June**

So we need to look at alternative programs for our youth. Raise the age from 10 for criminal responsibility. So there's some jails across certain areas of Australia that are 100%, Aboriginal occupied. And this is not good enough. We really need to look at ourselves as a civil society, is that the best we can do? Is lock up people with disability? And even if you recognise your disability in some of these areas, there's no access in there.

There's no flexibility, accountability, in regards to what your needs are as a person with disability. So lately, we heard up in the Territory, for example, they were paying inmates vouchers, to care for people with disability. We're in the western world, it's a first world country and we're paying other inmates because we can't provide the appropriate need for whatever they may be for an individual. You know, incarceration.

**Kelly**

And it can be really shifting with that, in terms of the type of support people might need. The skill set of the person providing them, potential for abuse. It's a really concerning thing.

**Marissa**

Well, absolutely. I mean how are you going to fit your wheelchair in a cell?

**June**

Well that's the problem. The other issue for Australia is, we've used incarceration centres as the default area for those that are not criminally responsible. So when they go before the judge, and because of their social or whatever disability, they can't plead guilty for the accountability.

But we haven't got anywhere to place these people with alternative support. So our jails have become the default line for placing people with disability, particularly with mental health and other diagnoses. Which shouldn't be, in a first world country.

**Kelly**

No. I mean people in indefinite detention, without even being convicted of a crime and people are just locked up for forever. Unless somebody comes and takes big steps to try and resolve that situation.

**Marissa**

In fact Kelly, going on from that. The Royal Commission. I've been actually studying a lot of material that's come out of the Royal Commission. First Nations communities have have actually been traumatised, not only imprisoned, but also by the police and racial profiling. And not to mention that it was even stated, from the respondents that there's genuinely no word the disability in their languages.

**June**

Correct. Yeah. So we would say, in regard to a lot of our First Nations people, particularly in central and northern Western Australia, that the language barriers is another disability. So English is your third or fourth language. You don't understand the English narrative. So what happens for a lot of people with, and particularly we hear a lot for those that are hearing impaired. They just plead guilty, because they're not understanding what's putting presented in front of them.

They don't read and write English. They're not listening in English. So, we would say, having English language not being your first language, in regards to the criminal justice system, creates another disadvantage. It should be acknowledged, and that's about training those that are supporting, police particularly, the police force and other areas, training them to acknowledge language differences. But more importantly, people that live with disability are not all in wheelchairs.

**Kelly**

No, and I think to some of that goes right back to young kids at school who people might say, they're mucking up in class and they won't listen. There's often undiagnosed disability there that's not identified. So the kids are bored, or they're not understanding what's going on and they're frustrated. So they start to get in trouble. And then from there I think we see a trajectory, then of not understanding what's being said, and then ending up potentially, in interactions with police.

You're talking about then, we've got people in jail and huge amounts of recidivism, and it's all linked. And I think that the lack of access to diagnosis is a really big key. If we can solve that, that would make a big difference.

**June**

But in a cultural way. So, another example. During the COVID pandemic, a lot of our mob had way overdue, or more locally, acknowledged about being out and about when they shouldn't have been, or mask wearing. So they got undue fines due to that. But it was also about particularly those with intellectual disabilities or other disabilities, not knowing the day to day rules around COVID.

So we know that people have got fines, 25 to 30,000, they were being fined daily for non-compliance and mask wearing or being out and about when they shouldn't have been. But it wasn't the recognition of, there may be something else impacting. Particularly if they have some form of disability, why they're out and about. But what happened, they were targeted is Black people not adhering to the rules.

**Kelly**

Absolutely. And I think from people who have had interactions with the justice system, institutionalisation played a big part of some of that as well. For some people just to, I guess, bring it into focus, on the topic around justice, that on its own has a disabling effect to have to stay at home. And then poverty and not being able to afford masks and all of that. Yeah, I agree to that, and it had a really disproportionate impact.

**Marissa**

Indeed, and in fact, prisons were raised as a particular setting. Where First Nations people were with disability are subjected to violence, abuse, neglect, and exploitation. And that's actually a direct response from the Royal Commission.

**June**

Yeah, yep. 100%. We knew all about this. So in regards to the work FPDN does, we advocated for this royal commission for 10 years. So we know this intergenerational trauma and discrimination happens across, whether it was the justice, education, housing, disability sectors. That weren't inclusive of our mob and created further barriers, and most of that was around racism.

**Marissa**

And that would include institutional racism, wouldn't it?

**June**

Correct. Absolutely.

**Marissa**

Kelly and June, you two have been superstars today. Thank you so much for coming onto the program.

**Kelly**

Good start to a Monday!

**Marissa**

Oh, I've got Monday-itis actually, but not now after I've spoken to you two. But yeah look. This show will be airing on the 3rd December, International Disability Day. And we'll be getting the podcast out to you very soon. Are there any final comments you wanted to make? Either of you?

**June**

No, I just think that there's a lot of work to still to be done. But people like yourself, lend voice to our most marginalised. And we need comrades, across the areas and across the regions, whether it's in media or other forms. Let's move forward and make an inclusive society.

**Marissa**

And what about you, Kelly?

**Kelly**

I might end up on a really practical example. I guess kind of highlight some of the barriers that people face and linking to the double disadvantage, as June was talking about earlier, and shows that perhaps how people sometimes end up in the justice system.

So I've been trying to find a drug and alcohol rehabilitation centre somewhere on the New South Wales north coast that is wheelchair accessible, and culturally appropriate, and it just doesn't exist. Yet we've got a person who wants to access support for their for their illness, and they just can't.

**Marissa**

We need to look at that in detail at some stage. Yeah, no. That's fantastic. And for me, I really enjoyed interviewing.Well, it wasn't really an interview, we were just talking about our stories. It was more a panel discussion. I think that happens. It's interesting what the word mourning can can do unleash, isn't it? I used the word mourning. And from that, we actually had some really amazing discussions. So thanks so much for joining me today.

**June**

Thank you.

**Kelly**

Thanks for having us. Anytime.

**Marissa**

Thanks a lot. Talk to you soon. Bye bye. You just heard an interview with June Riemer, First Nations woman and Deputy CEO of First People Disability Network. And joining her was Kelly Cox, ambassador for First People Disability Network. And it's Marissa and I'm broadcasting today for this very special day of International Disability Day 3rd December 2022.

**El**

Hi, I'm El Gibson. You're listening to International Day of People with Disability on 3CRr. Disabled people rock.

**Voiceover 2**

Make your gift giving meaningful this year with a festive gift from Children's Ground. A First Nations led organisation, Children's Ground creates holistic, long term change with First Nations children, their family and community. Choose from gifts designed by Children's Ground artists or our change making digital gift cards. You'll receive a digital card to email or to print at home. It's the gift that's guaranteed to arrive on time. Go to childrensground.org.au to shop or learn more. Children's ground is a 3CR supporter.

**Voiceover 3**

Environmental Film Festival Australia invites you to EFFA presents: Sovereign Cinema. A one day cinema event celebrating Indigenous perspectives on climate ecology, culture and custodianship. EFFA presents: Sovereign Cinema includes two shorts packages and the main feature, all sharing unique stories which reveal the resilience of Indigenous people and the importance of protecting ancestral connections to country. Join us at ACMI on Saturday the 10th of December for our first in-person screening since 2019. Tickets and passes on sale EFFA.org.au The Environmental Film Festival Australia is a 3CR supporter.

**Gemma**

Hi there, my name is Gemma Mahadeo. And you're listening to the 3CR International Day of People with Disability broadcast.

**Marissa**

And our next interview is with Peter Macgillivray. And she's a First Nations woman and South Sea Islander lawyer and researcher. And is based in the Institute of Global Development and Faculty of Law and Justice at New South Wales. And Peter's worked on a range of criminology, legal services and community development projects in Sydney and across Australia.

And I wanted to welcome Peter to the program to talk about not just International Disability Day on 3rd December, but also to discuss First Nations people in the criminal justice system and with lived experience of disability. And we'll talk about that. Hello, Peter. Welcome to the program.

**Peter**

Hi, Marissa. Thanks for having me.

**Marissa**

It's lovely to have you. It's a bit of a mouthful, isn't it? Talking about all this? But it's confronting. But we need to talk about these issues, don't we?

**Peter**

We really do, yes.

**Marissa**

Yeah. So I'm wondering if you could just introduce yourself. And you yourself don't have lived experience of disability, but you are a First Nations woman. So can you talk about what land you're from?

**Peter**

Yes, thank you. So I'm a Kalkutungu and South Sea Islander woman who grew up on Darumbal country in central Queensland, now known as Rockhampton. So my ancestral homelands are around Mount Iser and Cloncurry, where my grandmother is from.

My grandfather is South Sea Islander man. But I was born and raised on Darumbal country in Rocky, and that's where all my family is now still today. And I myself do not have a disability. I've, like many Aboriginal people, have family members of mine who have disability, and have that experience as a family member and carer. But I don't have a disability.

**Marissa**

Oh, good. Thank you so much Peter for that introduction. So let's talk about the First Nations people in the criminal justice system. And, of course, when there's a disability, it is a lot more complex. And you've been on our show, the Doing Time show, that I broadcast every Monday from 4pm to 5pm, a few times, haven't you? But would you be able to just talk about some of your research and some of the experiences that you've witnessed, because there's very little data on this, isn't it?

**Peter**

Yeah, that's right. So I suppose the first experience of mine working professionally, looking and advocating at this issue, was an Australian Research Council piece of work that I did at the University of New South Wales, with a research team that was investigating the experience of Aboriginal people with cognitive impairment and intellectual disability in the criminal justice system.

**Peter**

And we did that work in partnership with Aboriginal community controlled organisations in New South Wales, in central Australia, to understand some of the structural and systemic contributors to the situation whereby Aboriginal people are funnelled into the criminal justice system, instead of receiving the support that people need in the community, and how that experience is actually contributing to the criminalisation of Aboriginal people with disabilities.

**Peter**

And that was the first bit of work that I did. And then when I practiced as a lawyer at Legal Aid in New South Wales, and then New South Wales local courts, and later in the children's court at Parramatta, I started to see this even more intensely, but experienced by young people, children and young people occurring at a very early age. And we'd seen from the research, looking at the experience of adults, that Aboriginal young people have contact with the police.

**Peter**

This is Aboriginal young people with cognitive impairment and intellectual disability, are having contact with the police much, much earlier. So as young as eight. And that is a real problem, because that experience of having so much police contact is actually a very well worn path that starts at a young age, continues through adolescence, and then surely enough, upon turning 18, going straight into the adult system.

Seeing that, in my legal practice spurred me to want to make a larger contribution than just in court advocacy. Unfortunately, there are limits to the change that we can affect working in a system, which is just not working.

And so that's when I've left legal practice to do my own PhD research, looking at the experience of First Nations children with cognitive impairment and intellectual disability, and the specifics of how our system is criminalising this group of young people, when what we really should be doing is building in community support, which a noncustodial, non-criminal justice responds to the things that young people need to thrive.

**Marissa**

That's true, isn't it, Peter? And I think a lot of the time, what tends to happen? I've read a couple, there's lots of reports, but nothing much being done about it, where police and First Nations people with disability, who can't communicate. There's racial profiling, and there's also language barriers. And that's actually a quite a cocktail of disaster, don't you think?

**Peter**

Absolutely. Even before you get to all of the factors that we know impacts upon people that contributes to criminalisation. So these are things like lack of housing and discrimination and racism and alcohol and drug dependency, which people can't get help for. The lack of mental health services, there's all of those things.

And then you put on top of that, the ways in which the system itself is creating the complexity through boards that have been not informed with any real evidence base about what works without any disability informed practice and specialisation, without any culturally informed input from communities and the people who are actually living the experience. The voices of people with disability.

**Peter**

It's just a huge cocktail of what doesn't work. And we have inquiry after inquiry, huge amounts of data that exists that's been actually generously been given by communities and people with disabilities, but we don't seem to be listening to the right experts. And we need to change that. Well, the experts are the people who would live the experience, the experts who have people in community who are working tirelessly for change. And they have been.

I think this is something which has been really made evident through the Royal Commission. And also, as researchers, we need to be thinking about when we're producing knowledge, in the form of research, what are our practices? And how are we doing our work to ensure that we're doing this in partnership with people with disability. And that's something which is really important to me in my research practice, and particularly in an area of law, where you have lots of legal technicians, but not a lot of practice at doing research in communities, in partnership with communities.

**Marissa**

And, in fact, historically, since 1788, and this is prior, you know, while colonisation was taking place, and we are in colonisation now, is it fair to say, that research has been, it obviously has traumatic and negative connotations for Aboriginal people and country?

**Peter**

That's what I noticed, as First Nations people, we know that research can make things so much worse, or it can be empowering, and it can make things better. And we have lots of examples of research which takes a deficit approach to understanding First Nations people and communities and makes Aboriginal people and Torres Strait Islander people the problem that needs to be solved through research. When in fact, we know that that is not the approach that needs to be taken. And so we fight a battle on two fronts.

**Peter**

One is the the harm that's caused by misaligned research and intentions. Good intentions as they may be, nevertheless, the consequences can be dire. And so we're fighting on that front. While we're also, as First Nations researchers, trying to carve out spaces where we can do the research that's actually going to change lives for the better.

And so the voices of First Nations people in this kind of evidence, building space is really important. And that's important, because so much research is still done about First Nations people without First Nations people.

**Peter**

And of course, thats also occurs in relation to people with disabilities. First Nations people with disability. And so one of the core tenants of disability advocacy is 'nothing about us without us'. And of course, that's a slogan that we use in First Nations justice matters, as well.

So it's important I think, that anybody who is doing research, and who doesn't understand the positionality, and the importance of advocacy in the work that we do, needs to go and read some First Nations scholars and immerse themselves in some of those decolonising methodologies. Because the change that we want to see won't be achieved without engagement with those ideas.

**Marissa**

Yeah, I mean, with the Doing Time show that I do every Monday from 4pm to 5pm, one of the repetitive and really important, important topics that I'm constantly covering is the the role of police and the role of the courts. So once an Aboriginal person with a disability, or First Nations person with disability is arrested, from that point onwards, that's when all the barriers emerge.

**Peter**

That's right. So what we have to remember is that the police hierarchy and the institution of policing is not well equipped to work with lots of different groups in our community. And I think it's mostly stuck when police engagement with people with disability of all kinds, but in particular, intellectual disability and cognitive impairment.

There was a piece of research that was produced out of the Royal Commission, which looked exactly at this issue of policing, and people with intellectual disability, and that a lot of the regulatory protections - so the laws and the guidelines that are there to protect certain groups of people - and which police are supposed to have knowledge and practice as well as understand how they work.

**Peter**

The research found that that's not the case, and that there's serious issues with police comprehension, understanding of their responsibilities when arresting and taking into custody. Aboriginal people, people with disability, young people. So if you are somebody that is experiencing all of those things together, you are particularly disadvantaged in your interactions with police.

**Peter**

The solutions to these types of challenges, there's no silver bullet, there's lots of things that need to happen. One of those things is to actually keep people out of contact with the police in the first place. Because you don't end up in court, unless you've had an interaction with a police officer.

You don't end up in prison, unless you've had an interaction with a police officer. And what we know about the way that policing is done in Aboriginal communities, and certainly, in particular postcodes is that it is discriminatory and racialised.

**Peter**

We need to build protections against that type of attention. That's investment in, and the resourcing of community based programs and organisations, which are doing positive strengths based work with young people and with people with disability.And in the form of the social services that people actually need, right?

**Peter**

These are systemically under resourced areas of support, and community capacity. Our schools, for example, are not equipped to support young people with disability. Our community organisations aren't resourced to support people with disability, our housing services are not equipped or resourced to do that.

**Peter**

So we're seeing all of these massive inadequacies in the community infrastructure that we need, to then see billions of dollars invested in expanding the carceral system. We have got that completely wrong. We need to see a full switch of that money flowing. We need to see the clutch shift back into the community where it should be.

**Marissa**

Absolutely Peter and in case people have just tuned in, this is 3CR community radio 855AM on the dial, streaming live on 3cr.org.au. This is special broadcasting for International Day of People with Disability. You're listening to an interview with Peter talking about First Nations people in the criminal justice system. So we're nearing the end of our interview. Peter, are there any final comments that you wanted to make before we finish?

**Peter**

Great question. I think the one of the things that is really important to me is always questioning, how are we ensuring participation of people with disability in the work that we're doing in advocacy? In our policy design, in our gathering of information about what's working and what's not working. We need to do so much more to ensure that this work is led by people with disability and especially First Nations people with disability.

**Peter**

And I've talked about this on your show before. Young people with disability. And I think we just need to be having conversations about this all of the time. And we all should be asking, where are the people that we're talking about in this conversation? Because we're still seeing too much work being done without ensuring that the people are at the centre of it are heard all times.

**Marissa**

Peter, thank you so much for coming on to the program. I really value your contribution. And we'll send you a podcast soon after all this is over.

**Peter**

Thanks Marissa, I love being on. Thanks for having me.

**Marissa**

It was lovely to have you. Enjoy. Thank you. Bye. I'd like to thank people for listening to this very important broadcast on First Nations people with disability and the criminal justice system. And it's goodbye now from Marissa and please stay tuned for more disability programming right through to 7pm.

**June Jones**

(Extrovert by June Jones feat. Alice Skye)

I used to think I was an extrovert but I was just afraid of being alone. Coming off of my Lexapro I can't text or talk on the phone. I wanna, I wanna, I wanna, I really wanna. I wanna, I wanna go home. At a party trying to talk to you but the music is way too loud. And these don't do anything, I don't know why I ever go out. I wanna, I wanna, I wanna, I really wanna. I wanna, I wanna go home. My brain is grating on the holes in the walls of my skull. The pain is greater than any pleasure I've known.

**Alice Skye**

I used to push my body beyond all the limits that my body had set. Now when my body speaks I listen, I try to respect. I gotta, I gotta, I gotta, I really gotta. I gotta, I gotta, I gotta go home.

**June Jones**

My brain is grating on the holes in the walls of my skull. The pain is greater than any pleasure I've known. I don't understand the rules of the game that we keep on playing. I don't understand the rules of the game that we keep on playing. My brain is grating on the holes in the walls of my skull. The pain is greater than any pleasure I've known. I wanna, I wanna, I wanna, I really wanna. I wanna, I wanna go home. I wanna go home. I wanna, I wanna, I wanna, I really wanna. I wanna, I wanna go home.

**Voiceover**

You've been listening to a 3CR podcast created in the studios of independent community radio station 3CR in Melbourne, Australia. For more information, go to 3CR.org.au