



MUNDINE'S VIEW NOT IDEAL

Defending cuts is not his role

BEN WYATT

I AM friends with Warren Mundine. I admire his determination to work with any government to improve the lot of Aboriginal Australians.

However, in reading his defence of the Abbott government's cuts to Aboriginal legal aid ("When ideology trumps pragmatism, everybody pays", Jan 3), I worry that he sees his role more as a defender of the government than an advocate for Aboriginal Australians.

Mundine, the chairman of the Prime Minister's Indigenous Advisory Council, asserts that there is a tension between ideology and pragmatism. That ideology is, for some unexplained reason, founded in nonsense and perverse outcomes.

All public policy has its roots in some ideal and the job of government is to implement that as a policy and program. There is no inherent mutual exclusivity between ideology and pragmatism and it is the role of government to implement its ideas in a pragmatic and productive way.

The original policy decision to support Aboriginal legal services was in response to the disproportionate rates of indigenous imprisonment that were inter-

nationally shameful for Australia. On that score, little has changed. To cut funding in this vital area risks the obvious — sending more Aboriginal people to prison. This is not a pragmatic outcome.

The Abbott government's cuts to Aboriginal legal services will simply transfer costs to state criminal justice systems. Mundine says he actively opposed cuts to Aboriginal legal aid, but that his opposition was not ideological. I would hope not, as he knows the inevitable increase in Aboriginal incarceration rates that will follow.

Mundine is correct to identify the responsibility of state governments to increase diversionary options, but it is his responsibility to ensure that the Abbott government bears some responsibility (financial and moral) for the consequences of its decisions.

The arguments about diversion from custody are not new. They were strongly recommended in the Royal Commission into Aboriginal Deaths in Custody in 1991. Mundine is being disingenuous in using arguments surrounding diversionary options to justify Tony Abbott's cuts to Aboriginal legal aid.

The Chief Justice of the Supreme Court of Western Australia, Wayne Martin QC, speaking at the 7th Annual National Indigenous Legal Conference in 2012, made it clear that, as a result of systemic discrimination, Aboriginal people were more likely to be arrested, more likely to

be remanded in custody than granted bail, more likely to breach the conditions of bail when it is actually granted, and more likely to be imprisoned than have a non-custodial sentence applied. This is the reality of Aboriginal people who bump up against the criminal justice systems.

Like Mundine, the West Australian Chief Justice looked to diversionary options as part of the solution to incarceration rates.

I do not expect Mundine to cast a "force-field" over Aboriginal budget cuts. But I do expect him to remind the Abbott government of the real consequences of its decisions and to advocate strongly, including in opinion pieces, against the government's decisions when necessary.

Mundine's use of ideology versus pragmatism is, to be frank, a straw man to distract from the reality of the consequences of his failure to stop these cuts — cuts that will result in more Aboriginal people going to prison.

Ultimately, Mundine is right; more diversionary programs are necessary at the state level, particularly in Western Australia, but did he demand the Abbott government recognise the consequences of its cuts to Aboriginal legal aid by looking at funding alternatives to incarceration?

That is the pragmatic question.

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