

Another rapid rise in Australia's prison population

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New statistics show that Australia's total prison population has risen by almost 40 percent over the past five years. The increase is the product of punitive "law and order" programs implemented by Labor and Liberal-National governments across the country, in response to a deepening social crisis.

Figures released by the Australian Bureau of Statistics (ABS) last month revealed that, on any given day, an average of 41,262 people are in full-time incarceration. This represents an increase of 5.8 percent, or 2,257 people compared to the previous year, and a rise of close to 40 percent, or around 11,877 people, since 2012.

The incarceration rate grew from 187.2 prisoners for every 100,000 Australian adults in 2014 to 216.2 in the third quarter of 2017—a rise of more than 15 percent. The most oppressed section of the working class, the Aboriginal population, has been hit hardest, with indigenous incarceration rates at an all-time high of 2,346 people per 100,000—more than 10 times the national average.

These results continue a stark trend. Between 1945 and 1982, the national rate of imprisonment was relatively stable, averaging 65 prisoners per 100,000 adults. In 2000, the Australian Institute of Criminology, a government-funded research organisation, reported that the number of inmates rose by 102 percent in the 17 years from 1982 to 1998. The incarceration rate in 1982 was 89.9 per 100,000; by 1998 this had climbed to 139.2 per 100,000—a 55 percent increase.

This extraordinary rise points to far-reaching social problems and repressive political reactions. For decades, the major political parties have outbid each other in boosting police numbers, enhancing police powers and requiring the judiciary to deliver harsher sentences.

As well as strengthening the powers of the police-judicial apparatus, these campaigns serve to distract attention from the relentless cuts to education, health and public services that increasingly have left working class people with little or no forms of social support. The resulting despair and destitution is blamed on the individuals who suffer the consequences of official policy.

There is no doubt that the introduction of tougher sentencing laws, and restrictions on bail, have contributed to the overall spike.

According to the ABS data, 32 percent of Australian prisoners last year had not been sentenced, up 85 percent from 2012. The statistics indicate that half the increase in the prison population over the past five years is a result of more people being held on remand.

On remand, defendants who have not been convicted of any crime are held in full-time custody, usually after being denied bail. They can wait months, and sometimes over a year, for their trials. According to the Law Reform Commission, 55 percent of those on remand are either found not guilty, given a community service order or are deemed to have served their time.

In the state of New South Wales (NSW), the Bureau of Crime Statistics and Research reported in 2016 that the average time taken to finalise a trial for those on remand increased from 209 days in 2007 to 300 days in 2015. This was a direct result of reactionary legislation aimed at limiting access to bail.

In 2014, the state's Liberal-National government, with the full support of the Labor Party opposition, amended bail laws. The change effectively overturned the bedrock legal presumption of innocence, declaring that the prime responsibility of judges in considering bail applications was to "ensure the safety of victims, individuals and the community." For designated serious

offenses, “the bail authority must refuse bail unless the accused person shows cause, why his or her detention is not justified.”

Previously, the onus was on the prosecution to prove that the accused was a flight risk, or a risk to the community. Now, defendants must establish why they should be granted bail. Similar measures have been being introduced by state governments across the country, amid a clamour of “law and order” hysteria, promoted by the corporate media.

Attacks on the right to bail have been accompanied by tougher sentencing requirements, including longer and mandatory jail terms. This further punishes the victims of mounting inequality, poverty and social distress. Prisoners are overwhelmingly drawn from the most impoverished and oppressed layers of the working class, including those suffering mental health problems or drug addiction.

People affected by psychosis or other conditions that can lead to violent or destructive acts can often find no adequate treatment or support as a result of slashed healthcare budgets. Instead, they are targeted by the authorities for imprisonment.

Many prisoners have been convicted of illicit drug offenses and assaults. The latest ABS figures show that these offences accounted for 81 percent of the increase in the prison population over the past year.

Earlier reports also pointed to this pattern. A *States of Justice* report published in December 2016 indicated that from 2008-09 to 2014-15, illicit drug offences rose by 40 percent nationally, increasing in every state and territory. Figures from February 2017 indicate that the trend has continued, showing a 48 percent increase in illicit drug offences since 2008-09.

A report published in March 2014 by the Australian Institute of Criminology raised concerns about the lowering of the threshold of trafficable quantities for illicit drugs, warning that drug users faced convictions for trafficking offenses with significant penalties.

The report stated that in all “jurisdictions except Queensland, Australian drug trafficking thresholds are attached to ‘deemed supply’ laws, which reverse the traditional burden of proof from prosecutors onto defendants. Such laws mean that possession of the trafficable threshold amount will constitute a presumption of trafficking, placing the onus on the alleged offender to prove that the possessed amount

was not for the purposes of trafficking.”

The publication indicated that in every state, people can be charged with the maximum penalties for possession of a base-level quantity of drugs. According to legal experts, drug users increasingly are being charged with serious offenses for exceeding these thresholds.

According to the *2015-16 Illicit Drug Data Report* released by Australian Criminal Intelligence Commission, there were 47,625 arrests over amphetamine-type stimulants in 2015-16, a 213 percent increase from the 2006-07 figure of 15,216. Arrests for all categories of illicit drugs increased by 87.6 percent over a decade, from 82,389 in 2006-07 to a record 154,538 in 2015-16.

The targeting of drug users by the authorities underscores the fact that governments, Labor and Liberal-National alike, have no other response to the worsening conditions of life that propel some individuals to substance abuse. It is part of a broader build-up of the powers of the police, the courts and the entire apparatus of the state, directed against the working class as a whole.



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