

## **WILLIAM & LONSDALE – Lives in the Law**

### **E05: Peter Norden**

**voiceover** [00:00:05] This is William and Lonsdale, a podcast about the legal ecosystem in Victoria and the fascinating people and stories that make it tick. Peter Norden has spent over 30 years working in our criminal justice system. A significant portion of that time has been spent in and around our prisons, including seven years as the Catholic chaplain at Pentridge. Peter has also studied and visited prison systems all over the world to investigate how our model evolved and what we could be doing differently. In the early days of his life in the law, Peter worked closely with youth in detention and identified a distinct lack of support for young people coming out of jail. So in the 70s, along with a dedicated team, he established a small halfway house in Hawthorn which would grow to become the Brosnan Center, still going strong today.

**Peter Norden** [00:00:49] But if you just come in and you're a bit distant, particularly with an alienated young person, who has been through the welfare system, they'd seen so many social workers in their lives. So when I'd go to a place like Malmsbury or Langi Kal Kal, I'd rock up about 10 in the morning, see the superintendent, interview two or three guys in a room. But then I'd move around the work sections, education, panel beating, whatever it was. And then when the lads knocked off work at about 4 o'clock, I'd still be around and have dinner with them about 5:00, 5:30, sit around, have a smoke, a cigarette. I wouldn't leave Malmsbury until 8 or 9 and that was the best time of the day because they knew you didn't have to be there. But I knew that sitting around five, six, seven and eight in Malmsbury or Langi Kal Kal, informally having a cup of coffee, having a cigarette, that was where the winning of trust was. And unless that occurred when someone came out, they'd run absolutely wild because they didn't have any commitment to you.

**Michael Green** [00:02:16] Let's give a bit of background first. You grew up in suburban Melbourne, Hawthorn, a mother and father and three sisters I think?

**Peter Norden** [00:02:23] Two sisters.

**Michael Green** [00:02:24] Two sisters in the 50s and the 60s.

**Peter Norden** [00:02:27] That's right.

**Michael Green** [00:02:29] Your dad was a carpenter and then a grocer and colorfully he was an S.P. Bookmaker on occasions.

**Peter Norden** [00:02:36] Oh just quietly!

**Michael Green** [00:02:38] Just quietly, was still illegal whether there was fraud or not. And your mother helped him in that, although she was a woman of great faith who attended daily mass. So can you tell us a bit about that childhood? What it was like and looking back on it now, how do you view their childhood?

**Peter Norden** [00:02:56] Yes, well, Hawthorn was a bit more diverse than it is now. We lived in a poor part, which is hard to define these days, but my mum worked in the grocer's shop and dad had another job early in the day delivering food stuffs, Harding's Crumpets and so on. So the phone would go, the old phone would lift up the ear piece and there would be a grocery order, and the next phone call would be, you know, this time putting a bet on such and such a horse. But mum was at church every day at 6:30, down at the

Jesuit Catholic Church just near Glenferrie station. It was a simple life. I traveled into school in East Melbourne. Saint Pat's: most people think of Ballarat, but Saint Pat's was one of the four first public schools in Victoria, in Melbourne. You had Melbourne Grammar, Wesley, Scotch and Saint Pat's East Melbourne. Saint Pat's was on the very block of the cathedral. I went in there at the age of nine till the age of 17.

**Michael Green** [00:03:58] And that education led you on to joining the Jesuits yourself in 1968 after you had done your matriculation.

**Peter Norden** [00:04:07] It sounds pretty unusual in this day and age, but it was not so unusual then. I think having just turned 18, my choices were probably, I thought of the law, but I didn't know a lot about it at that time. Well I thought of the military... I'm glad I didn't do that. But to join the priesthood, when you came from that sort of family and that sort of neighborhood with that sort of background wasn't unusual you know. 10 percent of the class would join the priesthood. So it was very different times. I was 18, could have gone off to university, perhaps should have gone off to university then and had a broader experience. But I joined the Jesuits and started what was a 14-year training program.

**Michael Green** [00:04:52] And in that 14 year training, I mean, we're building up to your time as the chaplain at Pentridge Prison, but I'm assuming that training over those 14 years helped to form you into the person who wanted to do work in the legal system with the prisoners. I'm wondering about that training you had with the Jesuits. What was it like? How did it form you in the way that you finished up?

**Peter Norden** [00:05:16] Well, there was the formal training, Michael, and there was the informal training. The formal training was philosophy, theology. I did two degrees at Melbourne University in Arts and Social Work, but the informal training was what you did between times. And apart from playing a bit of university football, I was doing volunteer work very early on with young people, became an honorary probation officer I think in about 1971 when I was 21, had three or four young fellows from the Collingwood flats, they'd come and see me up at Campion College opposite Raheen as an honorary probation officer. And then started doing some more work at Turana. I used to take Xavier Borders off to Turana every Friday night for five years to play basketball. Turana, now called Melbourne Juvenile Justice Center, based on the same place in Parkville. So from my very early twenties I was by chance quite heavily involved with young offenders and young people in need and so I was exposed to a broader range of people than I would not have otherwise been.

**Michael Green** [00:06:26] Normally young Jesuits start off as scholastics I think was the term. And they were teachers in the Jesuit schools. But you didn't do that?

**Peter Norden** [00:06:35] Well, I'd been studying social work at Melbourne Uni and I sussed out the possible interest from headmasters from the schools around Australia, and they couldn't quite envisage how they'd use a Jesuit social worker. So I put to the Provincial a proposal to start a halfway house because I'd been doing some volunteer work at a little hostel for young men leaving Pentridge and saw it wasn't particularly adequate. I put up a proposal as I was finishing my university studies. Now, at that time in the early 70s, the Jesuits were probably a bit more lefty than they are these days. There was a strong emphasis on justice during the 70s. There were about 50 Jesuits murdered throughout the world within the space of 10 years for their stand on faith and justice. 50, you know, in El Salvador, all sorts of trouble spots. None in Australia, thankfully but maybe we weren't dealing with the same critical issues as were occurring in other parts of the

world. So the boss of the Jesuits, the Provincial, wanted to find some way of putting flesh and bones on that idea, not just doing charity work, but doing work for justice cutting edge sort of stuff. When this proposal came forward, he saw it as an opportunity of putting some flesh and bones onto this new mission within the Australian context.

**Michael Green** [00:08:01] And you were in your mid 20s at the time?

**Peter Norden** [00:08:03] I was only 26 yeah, 27.

**Michael Green** [00:08:06] And what led you to a halfway house? How did you see that as something worthwhile doing and appropriate?

**Peter Norden** [00:08:11] Well, I'd been visiting the Melbourne Juvenile Justice Center and also I'd been visiting Pentridge on Sunday mornings with the Vinnies as a volunteer, Saint Vincent de Paul Society. And I saw so many young men and later young women coming to the end of their sentence and really not knowing where they were going to go and then saying, like, for instance, at the Juvenile Justice Center, "Hey, I'm getting out next week" and then turn up next week with a group of basketballers and the young man would be there again. I'd say, "I thought you were getting out?" He said, "I did". And he's back again.

And there was just so many, a lot of those kids who graduated from the welfare system and they weren't criminals they were just kids who, who broke the law, of course, but they ended up inside, it was safer and more secure for them to return to a place like Parkville than to find a way on their own without family support, no income, few prospects of gaining employment. Same situation as now but it's probably twice as bad now as it was then. So it was pretty obvious, a very practical need. We started up in Power Street, Hawthorn, a big two-storey building that the Jesuits owned. And I had two very good experienced workers that we recruited and another Jesuit, Paul Callil, who was a Jesuit brother. The four of us worked there and started the halfway house and then we moved a couple of times into a non-residential format. And eventually I renamed the work the Brosnan Center after Father Brosnan retired from the prison later on. And then it grew into what became known as Jesuit Social Services.

**Michael Green** [00:10:00] So tell me, I'm a young guy coming out of prison, I'm 17 or 18, I've been charged with some what appears to be relatively minor offense, but it looks like I'm going to stay on the path and offend again because I haven't got many options. But I finish up with you in a halfway house in Hawthorne. What did you do for me?

**Peter Norden** [00:10:18] Well, first of all, we'd make an effort to engage that young person before he or she was released. So that meant, you know, quite a lot of visiting over several months, not one or two interviews. And if you are only a first-time offender, Michael, you probably wouldn't have been accepted for our program. The parole board, Youth Parole Board, was chaired by Judge Jim Forrest at that time and later, Judge Eugene Cullity ...you know, the officers of the Youth Parole Board would say: we've got this young man who's got a lot of prospects, you know, he's been in a little bit of trouble and we'd say, sorry, we're not interested. We wanted to have young men and later, young women who had real needs, substantial needs, who are repeat offenders, who are heading for the prospect of one or two or three decades of criminal behavior.

**Michael Green** [00:11:05] Peter, once you had chosen people to admit or allow into a halfway house, Brosnan House, The Brosnan Center, what did you then do with them or

what did they do to bridge them over, get them back into the community as functioning members of our community? What were the programs?

**Peter Norden** [00:11:26] Well, each young person had an individual worker and then we'd have group meetings and some of them were like group therapy. Alex Firmager who'd worked at Malmsbury as a group worker was a very experienced fellow. We'd have a group session, was only once a week, I think, but we'd call it if there was a critical incident and that would go for a couple of hours. And it was very confronting around, you know, responsible behavior, and the kids, you know, had to grow to live with one another. But they were often very inadequate when they got out. They go to a pub for a counter meal or something, and we'd realize... for example, I took a fellow out for dinner the other night who served a life sentence for murder, and he's just turned 75, and when we went to this Italian restaurant last Sunday night, he said to me, I'll have what you have. And I said, no, you choose. He said, no, no, you choose, you know, it's your shout (I was shouting it was his birthday). And then I realized later, he doesn't know how to read and he's 75 and he spent 16 years in Pentridge and other prisons for murdering his partner. We'd realize they had to do some basic learning. And then the kids would end up with a huge pocket full or a bowl of coins. And they got so many coins because they couldn't, even if they'd only been in prison for a year, they didn't have the confidence to go and get a packet of smokes and give the right money. So they'd always be giving \$5 or \$10 and they didn't have the confidence to negotiate the coins so they had this huge pile of coins. That was the sort of social competency that's taken away from someone after just 12 months inside. Now, if they were older and getting out after 10 years or 15 years, just imagine what's taken away from someone when they've lived in that physically, emotionally, socially sterile environment of a prison or dealing with family.

You know, these kids often had families. But the families weren't prepared to have them because they knew what happened last time, and the time before. So then we'd help them know how to negotiate with family because we were not going to be replacing family even if they had the worst father in the world, or they had a very dysfunctional home situation, still their family. Of course, employment in the 70s, there were factories even in Hawthorn. But now coming out of prison with a criminal record, Victoria is the only state in Australia that doesn't have a sunset clause on nonviolent criminal convictions. Every other state and territory in Australia has moved in that direction but Victoria is the only one that has not. So if you get out of prison after a serious sentence in Victoria, you know, what are the options? Building trade, the wharves, not so many jobs going there anymore or the black market. So that's what we did with these young fellows. Help them towards employment,.

**Michael Green** [00:14:40] Peter can I ask, did they live there?

**Peter Norden** [00:14:41] Yes. Initially they lived in the halfway house. That meant you know, a lot of our effort was focused around 10 or 12 young people. After a few years, we de-centralized and had a resource center in Cambridge Street, Collingwood, and then had several houses in the inner suburbs. Now the Brosnan Centre operates next to the Brunswick Baths and does a similar thing, doesn't have one big hostel, because then you have all the institution games transferred across from the prison. We would simplify it, have one or two people living alone, maybe with a volunteer lead tenant and then supervise and the young people would drop in to the centre. The other significant thing about working with these young people, just as you might spend three or six months building a relationship of trust and some motivation before they were released, realizing that it wasn't going to be a month's involvement or three months involvement, it might sometimes have to be six months or 12 months. Now, the incredibly foolish thing about a

lot of the government contracts these days for those agencies working with ex-prisoners, it says you can only spend two hours a week with each person and you can only keep them on your caseload for three months. And it's so unrealistic because it might work in the ideal world, two hours a week for three months might be good for 20 per cent. But the other 80 per cent might need much longer and more intensive involvement.

**Michael Green** [00:16:08] Then at some stage you become the chaplain at Pentridge Prison. How did that come about?

**Peter Norden** [00:16:15] Well, Father Brosnan had been appointed in 1956 and the younger generation may not know Father Brosnan, but he was the priest who was at Pentridge during the last hanging in Australia in 1967 that of Ronald Ryan. He was an absolute public figure in Victoria and Australia, very well known. He was the first priest ever to be given a state funeral when he died in the early 2000s. He'd been looking for a replacement. He had been looking at a diocesan priest who was his assistant from time to time. But he decided that I was going to be the one. Instead, the Provincial decided that I wasn't going to be the one. So I was sent off to Riverview College in Sydney as the chaplain for two years. I went up there in 83 and 84 for two years, enjoyed it but eventually, the Broz or the Archbishop was still knocking at the door. So finally, Broz retired in 85 and I took over at that time and I stayed there for seven years.

**Michael Green** [00:17:16] And tell us a bit more about John Brosnan. I remember speaking to him at one stage and him telling me that in his life he had never willingly missed Sunday Mass or a Geelong football match.

**Peter Norden** [00:17:29] A Geelong Home game.

**Michael Green** [00:17:31] Exactly.

**Peter Norden** [00:17:31] He never missed a Geelong home game. I used to go down to Geelong with him. He was the Patron of the Geelong Football Club. The other thing about Broz was he was a teetotaler most of his life, and in very early days he knew every football and every footballer knew him. He was at some function of the VFL in those days, and a young Kevin Murray, aged 19, came up to him and said, Father Brosnan, here's a beer for you. And Father Broz, who would have been 50, I suppose, at that time, said Kevin, I don't drink, in fact, you know, I don't drink. You know, I've never had a drink. He said, Ah, come on, Father it won't do you any harm. And Father Broz said to Kevin Murray, aged 19 or 20, Kevin, when you win the Brownlow, I'll have a beer with you. So 10 years later or several years later, Kevin Murray wins the Brownlow and he comes up to some function and says to Broz, there's a glass of, there's a pot of beer for your Father and he repeated the story, you know, I don't drink Kevin. He said you told me when I was in my first year that when I won the Brownlow, you'd have a beer with me. He was a very colorful person. You know, when I'd go to Parliament House in Melbourne with him, instead of his lining up to see the Ministers, literally the Ministers would line up in that reception area to say hello to him. It was a very unusual situation.

**Michael Green** [00:18:54] Did he teach you about being a chaplain or how you should be a chaplain in that situation? And what did you learn from him?

**Peter Norden** [00:19:02] I learned from watching and observing, but styles are very different. And he would know that, but he never gave instructions. I think it's a bit like a junior barrister and a senior barrister. You watch and you learn, observe etiquette and

ways of approaching things. I absorbed a lot of things from him and learned how to avoid a few pitfalls along the way. But I know our styles were different. He was softly, softly. I was a bit more confronting in some ways to do with issues of human rights or social justice. He had a high media profile, but he wouldn't confront he would walk up to the Minister at the races and have a quiet word in his ear. It was probably more effective.

**Michael Green** [00:19:57] So, Peter, you become the chaplain at Pentridge Prison. Pentridge conjures up images in my mind anyway of bluestone walls and dark and fearsome, gruesome something built in the 19th century didn't change until it was privatized and became private apartments I think now Pentridge might be. But there was there was H division which was infamous people acquainted it with hell. Please tell us about Pentridge Prison. Paint us a picture of what it was like to work in that environment. What it was like as a home environment for the men who lived there, the prisoners?

**Peter Norden** [00:20:33] Well, when I was appointed in 1985, I'd been in and out of the place for several years in different roles as a volunteer with the Vinnies and then with the halfway house. I already knew a lot of the people who'd graduated from the juvenile justice centers, but it was a stark place, in 85, it was probably no different in 1985 than it was in 1885. Literally, there were a couple of new buildings that had been built in more recent years, like J Division, which was dormitories for young offenders where I spent a fair bit of time, but mostly it was like Dickensian England. Dark, locked up at four o'clock, dinner at 3:00, 3:30 in the afternoon. Many people in solitary. Every week I'd go to H division on Wednesday mornings and sometimes I'd say, I want to see Billy Jones and the officer would come back and say, Billy doesn't want to see you with a smirk on the prison officers face, so I'd say that's alright. So I'd see someone else and then I'd work out who was in Billy's yard, Fred Smith, so I say I want to see Fred Smith. Fred Smith would come up. How are you Fr Peter? I'd say, good. Have a little chat. And I said, what happened to Billy? He doesn't wanna see me. He didn't even know you were here. And so he'd go back to the yard and they'd be yelling out, Billy would be yelling, I want to see the padre, want to see the padre. Well, then they had to bring him. And he'd come with his face, black and blue. He'd been bashed - the reception biff. So I had been told, go and see Billy down H division, because he'd just gone down there yesterday after abusing an officer and, you know, it would be good to go and see him. This was a regular reception as everyone arrived in H division. The big metal door would be closed. "Take off your clothes", and the prisoner will be standing there absolutely naked with about several officers with batons all around and provocative behavior. And he'd be belted from the back with a baton and if he lifted his elbow to defend himself, then there'd be six batons. And then as he hit the floor, the boots would come in. Now, this is not exaggeration. And this didn't happen to one or two, the same to everyone right through to 1996 when the prison closed. It was a shocking place. When I first started, you know, in the 70s and then even when I started full time as chaplain, there weren't too many professionals there. There were the prison officers in blue, the crims in green. There was a doctor, a psychiatrist, a couple of medical officers and a couple of welfare workers. There weren't a lot of professionally trained people in the place trying to deal with complex human behavior with. At that time, 50 per cent of the Victorian prison population all within the space of, you know, several hundred square meters.

**Michael Green** [00:23:30] Peter you can be as well-intentioned as you like as a chaplain in a prison, but surely dealing with highly damaged people, very hardened and toughened, I guess, by their life experiences. How were we able to connect with them? How did you gain their trust, how you could actually work with them?

**Peter Norden** [00:23:51] Michael I knew a little bit about organisations and you know, I knew that in order to be effective, you had to win the confidence of the top guys in the prison, as well as being concerned for those most vulnerable, the younger people who are often, you know, impacted by disability. So in that institution, I knew that whoever the people in the top of the pecking order in the criminal network, they were important people for me to get to know and to win their confidence in order to be more effective and get around and do the other stuff. But the issue was you didn't want to be captured. Also in the prison, there's lots of networks, call them gangs, if you like. But someone would want you to be part of their group and not part of someone else's group. And that was tactically fairly complex and difficult. You had to be pretty shrewd not to be spending too much time with one particular group as against others.

**Michael Green** [00:24:50] You mentioned that you worked in more modern prisons. Is there a comparison to be drawn between our current prison system and the previous prison system with Pentridge at the apex of it?

**Peter Norden** [00:25:03] Well, look, the crims used to say, you know, don't pretend you know what prison is like, Father, because you don't. You come in here at eight o'clock and you leave at four and it's true. You know, it's very different to work in a prison, even if you're pretty much engaged with it for quite a few years, it's not the same as living the experience. But they'd also say, don't be fooled by modern buildings. To be fair, the Department of Justice tried to get more training, more rehab programs in. But generally, though, in Australia, the prison officers don't have university degrees. They do in other countries. Later, I went to see other countries where the basic training for a prison officer would be a degree in behavioral science. Knowing how to deal with conflict, knowing how to resolve problems. So the prisons, are they any better now? I think they're worse because they are four times as many people. Also four times the rate. In Victoria and Australia for more than 10 years, the prison population has been increasing at four times the rate of the population growth, despite the fact that there's been no significant increase in serious crime over the last 10 years. So what the prison system's done over the last 10, 15 years in particular is to draw in people largely who are disabled, people who have got issues of mental health, obviously drug and alcohol issues, but also people with an intellectual disability. If you look at the remand population in Victoria and throughout the country, about a third, over a third now 34 per cent of the prison population in Victoria are people on remand. A high proportion of those are women escaping from domestic violence. Now, they've committed a crime to be charged with an offense, but because they've got no stable accommodation, the magistrates got no choice but to refuse bail, particularly with the tighter bail laws. So I think the system is worse now than it ever was because it's drawing in whole categories of people broadly defined as disabled who aren't serious criminals, who are not a physical danger to society, but at huge expense. Close to \$200,000 for an adult and over \$500,000 a year per inmate for a juvenile. Now, if they're a serious offender, fair enough, you know, the community needs protection. But I would say and I gave a lecture in Sydney on this recently, that's still on ABC Big Ideas, I would say that 80 per cent of the Australian prison population doesn't need to be locked up because they pose no serious threat, physical threat to our society and their needs would be much better dealt with elsewhere. I asked this question of the Premier at a dinner this week. You know, if we're really trying to do good social planning and have social cohesion, what's it say that our prison population in Victoria and throughout Australia is increasing at four times the rate of the general population, despite a lack of an increase in serious crime?

**Michael Green** [00:28:17] That's a very interesting question, did the Premier have an answer for you?

**Peter Norden** [00:28:20] Well, I think he acknowledged that it's more complex than building infrastructure. Infrastructure is terrific, underground railways and level crossing removals. But to do good social planning, when Melbourne's growing at 2 per cent a year, much higher than the rest of the country, you've got to have real cooperation between all the different departments within Victoria and you have to have cooperation not just between the Victorian government, local councils, but more troublesome is the cooperation between the federal government and the state government. It needs programs that are not three year programs or four year programs. To deal with serious disadvantage, you've got to tackle that over really about 10 years to 15 years. And so the electoral cycle doesn't make allowances for that. I don't know whether we've got the capacity to deal with these real problems and create communities that are livable and affordable.

**voiceover** [00:29:23] William and Lonsdale is brought to you by Greenslist one of the leading multi-disciplinary barristers lists in Australia. Greens List believe in promoting conversation around the ideas and issues that shape not only our legal system, but our wider community.

**Michael Green** [00:29:45] Just heading back to your role as the chaplain at Pentridge and other prisons. You've used the phrase that you need to be a priest, a pastor and a prophet. Could you explain that to me, please?

**Peter Norden** [00:29:59] Well, yes. People think what would a Chaplain do in a prison, well you have to have Sunday service or something or you might hear confessions occasionally. That's the priest side of it, if you like, the sacramental the liturgical side. For those who are familiar with the Christian religion there's other sides as well. There's the pastoral side. So that means that you're engaged in every part of the life of the prison. If there was a footy game on, you'd be there. You'd wander through the education or the employment sections. You'd go into the visit area without intruding on privacy. You'd wander there. This was, if you like, my parish. And so you weren't there just to do the formal religious things, you were engaged in the life of the community in all different respects. And then there was the prophetic side, which for me, I mean, when you see something that's wrong, you call it out. Now I think, I don't hear those voices of the churches anymore around Australia calling out the injustices of the criminal justice system. Does that mean that the needs are not as intense anymore? I doubt it. I think in some ways the voice of the chaplain needs to be louder in that prophetic way, not necessarily in a confronting way, but not prepared to see, you know, neglect of human rights or injustice. I think there's obviously a critical role for the legal profession in civil action and this is how a lot of changes have occurred in the United States, particularly in progressive states like California, that lawyers have taken civil action over overcrowding and issues like that. But with respect to the church, I think the church has probably lost a lot of confidence in Australia over the last couple of decades and is probably not capable of fulfilling the same role.

**Michael Green** [00:31:54] In that prophetic role I believe you tried to bring politicians and members of the legal system into prisons, not in their professional role, where they would go there as a lawyer and interview a client, etc. But put them in there almost as an observer, an observer where the people weren't aware they were lawyers and therefore they could get a better look at prison life. How did you go about that?

**Peter Norden** [00:32:20] Well, Michael, you know, most people I knew in the legal profession would say to me when I was working there in the 80s, I've been to Pentridge

many times, you know, I've had a lot of clients there. Actually, I went out there, you know, as a magistrate with a group of other magistrates, and I'd been there with the judges. And I'd say to them, perhaps over a meal, you don't realize what happens before you turn up for that visit. When the Minister would go there, I'd say to the Minister, Minister, do you know that they spent a week preparing for your visit to Pentridge? They had 100 crims scrubbing the place and when you came in, it had never been as clean for several years. And the same with the Judges to a lesser degree. So I would take just one individually on a Saturday morning, I say, look, no golf on Saturday, instead, I won't name the Judges, most of them are retired now, but they'd come into the prison and I wouldn't even tell the Governor, I'd say I've got a friend coming in. I'll vouch for him. He's going to be with me on Saturday morning visit. I would come in with the judge, in D division, the remand division, probably the worst. And I'd say just sit there. I've just got to do something for a couple of minutes. And I'd sit the judge without a name on the bench and I'd go down to another part of the vision within eyesight, perhaps one hundred metres away, I'd keep an eye on him and I'd leave him and I'd wait 15, 20 minutes and just let him, it was mostly male judges in those days, I think only male judges that I took in, and he would absorb what was going on in the normal routine. And these were judges who, you know, obviously they have judicial training and all sorts of things these days, but they were deciding whether to send someone down or not, whether to give him a six month or 12 months or a five year or 10 year or 20 year or 25 year sentence without probably having a real direct sense of what the actual currency was. And I never failed afterwards, as we drove home to hear from the judge that was fascinating, it was very different having that experience than going in with a group of judges led around by the Governor of the prison.

**Michael Green** [00:34:44] Peter, a body called the Victorian Criminal Justice Coalition. You set it up. What was it and why did you set it up?

**Peter Norden** [00:34:53] Well, Michael, I finally finished working at the prison as chaplain in 1992. And there were so many experiences that were probably unreconciled within myself. Things that I'd seen or observed, things that I felt needed fixing at the time. There was a lot of police shootings. There were more than a dozen people being killed by Victoria Police every year compared to one in New South Wales at the time. So I decided to set up this network, which we called the Victorian Criminal Justice Coalition, which had in the end over 60 members. There were lawyers involved, there were academics involved, criminologists involved, psychologists, the service groups that provided assistance to prisoners and their families were represented. There were the church justice groups, Catholic, Anglican, Uniting. So a network of 60. And the issues that we dealt with, the first one really was the proposal to introduce private prisons into Victoria. There was a big issue around the police shootings, as I mentioned. And then later years, police high speed pursuits. Now, we lost on private prisons. They got established in Victoria, established quite a large proportion of its prisons as private. In fact, Victoria's got the highest rate of private prison cells in the world, much higher than the United States. And with the police shootings in the beginning, it was a group of armed robbers that were being shot dead by police rather than arrested. But then gradually the people being shot were people not with a criminal record, but with issues of mental health. And in those days after the Walsh Street shooting and after the Russell Street bombing, there was a siege mentality within Victoria Police and at the training academy, some of the old armed robbery guys and the consorting guys got into training positions at the Glen Waverley Training Academy, and the principle was, if you are confronted with someone with a weapon, whether it be a gun or a knife or a baseball bat or even a stick or a rock, you are to tell them to drop the weapon, "drop the weapon", and if they refused to follow your order, you empty the revolver to the central body of the person. You don't kill them, you

remove the threat to yourself as a police officer. This happened over a period of three or four years, about 50 times in Victoria compared to New South Wales, about three or four times. As the people hitting the ground became people with mental illness rather than with a serious criminal record, the publicity gathered and the pressure got greater and greater. There was the last one a young Kouri lady called Colleen Richmond, she'd been shot at Hanover Welfare Services in St Kilda. I did the funeral at Sacred Heart Church. And as we then marched down Fitzroy Street in protest to Catani Gardens, the Deputy Premier and who was then the minister for police, Pat McNamara, rang me on the mobile, and he said, Peter, we've decided to retrain the police and to disarm them. Only those that need to carry weapons will carry weapons. So I announced that down at the Catani Gardens and it was on the Channel 10 News at five, it was on Seven and Nine at six. But by the ABC news at 7, the police union had so lobbied Pat McNamara, the deputy Premier, that he reversed his ruling on the disarming the police, but he proceeded with what was called Project Beacon, which was retraining the police around, you know, defense and protection of human life. The Criminal Justice Coalition was very effective and very high profile at the time. It was the go to organization to comment on around issues to do with anything in the police, courts or prisons.

**Michael Green** [00:39:01] As well as your hands on lived experience of the prison system in Australia Peter, you've also done study tours of prisons in the US, the UK, the Netherlands, Sweden. What did you learn from the trips? How does our system measure up against these other systems? Are there things we can learn from those systems and changes we should make? I am interested to hear your views on that.

**Peter Norden** [00:39:30] Well, yes, after three years full time, I took a short sabbatical and went to the United States. I had a fairly extensive study tour of 15 cities in fifteen weeks. I didn't just visit prisons, but visited law groups, civil liberty groups, prison law offices, and had a very good look at the American prison system, federal, state and county. At a time when it was about to make some incredibly bad moves around imprisoning more people. And so in 1988, there might have been a half a million, three quarters of a million people in prison. In the next 10 years they would imprison another million and a further 10 years, they imprisoned a further million people. Now, all of the research shows that the first million people extra had some impact on street safety and so on. But the second million had no impact on criminal behavior or street safety, it was just another huge proportion of the American population being in prison. The federal prisons were reasonable, they had more funding, the county jails were shocking or worse than anything I'd seen in Australia, they were similar to what I'd seen in the Philippines. You know, in big cities like New York and Los Angeles, 10-storey buildings, it was dungeons in the sky I think I described them as at the time. And almost all African-American and if they weren't African-Americans, Hispanic, hardly a white American to be cited, certainly in the county jails, more in the federal prisons. But the criminal justice reformers that I met with in 1988 said, look, we're not going to use the argument of social justice and human rights in our discussions with politicians or with the public anymore, we're going to just talk the dollar because it's obvious that our prison system throughout our country is increasing at an astronomical rate. Little did they know what was going to happen over the next 15, 20 years, keep going much, much higher. We'll just talk the dollar because that will impact on policy people. It had no effect at all for over fifteen years. But in more recent times, the pendulum has swung back. And in the most conservative states like Texas, Florida, Carolina, Louisiana, the amount of money that was being, as they now recognize, wasted by imprisoning people who aren't a physical threat to the community was money down the drain. And that was money, as in Victoria, that would otherwise go to education, health, transport, the arts and so on. In England, I went to America and England not to probably learn good ideas,

but to understand what the hell, how did our system in Australia end up the way it was? So I went to England because the trends came from America but the history came from England. In England I had five weeks, had some amazing experiences, much more conservative in terms of civil liberties than that America but there I met IRA people who were later released into the community, who'd been framed by police for serious bombings. You know, went to prisons where solitary confinement was the norm for 80 per cent of the community locked up 23 hours a day. So going to England and in America, I got a better understanding of what the hell we're doing in Australia and why we probably aren't so rational approaching what happens inside. A few years later, I had the opportunity of going to more progressive countries. I went to Holland and Sweden and their low imprisonment rates, low re-offending rates, equally importantly, and no big headlines in the newspapers when there was a serious crime. A rational, sensible, effective, successful way of dealing with criminal behavior. And coming back to Australia, I wrote about it, spoke to lots of people, and they would say, ah, but we're different in Australia, we're not like the Swedes, we're not we're not like the Dutch. We're not. We want to impose punishments on people that aren't working, that cost a lot, that lead to re-offending. And we don't seem to care. For instance, I mean, the irrationality of recent changes to the parole system in Victoria. John Barry set up the parole system. We have a very serious offender, rapes and kills a journalist in Victoria and the parole system is changed for everyone. So instead of giving support and supervision to someone who needs help when they are released, we only give that help to someone who doesn't need it when they're released. The parole board in Victoria was given twice, three times the resources that it had previously, which is a great achievement. But now if you pose a risk upon release, you don't get parole and you stay in prison for another year or two and then you're released without any supervision at all. The government doesn't wear the egg on its face that someone released on parole has re-offended seriously. But the community is twice as at risk as previously. But no one in the community seems to be jumping up and down about that. And the same with bail laws. You have a serious offender who commits a serious offense on bail. There's substantial reform in the bail laws for everyone, and as a consequence, women escaping from domestic violence, who have got nowhere to live have to be refused bail by the magistrates. So this knee jerk reaction and shaping criminal justice policy because of a serious incident, you know, is popular politically but is extremely expensive and it brings about very poor law reform.

**Michael Green** [00:45:47] Do you have a view, Peter, on why? Let's not pillory the politicians we all like doing that. But I guess it's we as a community where the responsibility lies. Do you have a view on why we as a community, the ordinary Australian person, ordinary Victorian person does not want our system to model the Netherlands system or the Swedish system, but wants a system which is about punishment and retribution. Why are we like that?

**Peter Norden** [00:46:16] It's something that's occupied my mind for quite a few decades, Michael. But I think about it particularly because of my church background. We have a very strong emphasis in Australian society around individual responsibility. And the background of Christian faith means if you make a bad choice, you are then responsible and must face your punishment. Whereas in places like Scandinavia they don't have this strong emphasis on individuality, it's more communal, more sociable. They don't have these heavy religious kind of values that in many ways exercise much positive contribution to our community. But the flip side is this individual, you made a bad choice and therefore you must be punished. Most people who commit serious crimes or any form of crime don't think about it. They're not rational like you and I sitting here doing this interview thinking about things. They're impacted by either intellectual disability, mental illness or drugs and

alcohol. Not a lot of rational thought involved. Rational thought goes into a decision for about 10 per cent of the prison community that I saw and worked with. I really think the other group, rational criminal intent, how can we gain, profit by, whatever it be, deception or robbery and so on? Less than 10 per cent. So I think that's the difference between Australia and a country like Sweden or Holland. They are different cultures, but I think we need to be more rational and we will be sometime. I think eventually the pendulum will swing back in Australia saying prison must be used as a last resort and we need to redefine the prison again as being there to deal only with serious violent criminals who pose a real physical threat to our society.

**Michael Green** [00:48:11] And you're confident that will come about, you think that we as a community will put the pressure back on our politicians to adopt that position?

**Peter Norden** [00:48:18] I don't see a lot of signs for it now, but I gave a lecture in Sydney last year talking about prison abolition and I think, you know, there's a growing group of people who are more rational about this and don't want to see money wasted. People want to see money put into health and education and transport and aged care and into the arts. And I think gradually that pendulum will swing in Australia, but it needs people to reflect about the issue rather than just be influenced by the rogue media.

**Michael Green** [00:48:59] So, Peter, to bring us up to the present day, you're no longer a Jesuit priest, but you have in the last few years studied law and you are now a qualified lawyer. Why did you do that and what are you doing with your self now?

**Peter Norden** [00:49:14] Well, when I left the church and the Jesuits 2009, I was lucky, I got a position at Melbourne University in the Law School from the Vice Chancellor for three years. I was based there in the Melbourne Law School. And I, you know, rubbed shoulders with a lot of people teaching law and sat in on a few lectures, gave a few guest lectures. I then taught at RMIT, mostly in the social science area for several years, and now I'm at Deakin in an Honorary role. But in the last couple of years, instead of doing crosswords to keep my mind busy, I decided I'd do a Masters in Human Rights Law, which I completed at the city campus of Monash. I did eight subjects, all the students of the age of a granddaughter. I felt like a grandfather! Most of them are female doing these courses, more than male, I was amazed to see. Very hardworking and ambitious young law students, and I managed to survive with a few distinctions here and there. But, you know, I've been trained to think and to read and to articulate. So I had a lot of the skills of a lawyer, but I can't write as a lawyer. Three or four decades working as a social worker and a social scientist means that I approach issues differently, but I got some better understanding of legal thinking and systems. So I'm at Deakin now. I've used the experience of the past in the last decade or so to do different things. I've been called upon to do several expert witness reports for the courts to do with high security prisons and deaths and mistreatment of particular prisoners. I'm a marriage celebrant, so I enjoy doing a few weddings, not as many as I used to do. As a priest I was doing about 70 a year, now I do about 10 a year. But you know, the occasional guest talk. I put my foot in the water occasionally around policy issues. But look, frankly, I was doing that sort of thing 20 years ago and whenever I get the opportunity, I talk about passing the baton on to a younger generation of lawyers and social workers and civil liberty people. That's now someone else's responsibility to pick up these issues, for different other organisations, and to run with it. I'm enjoying only needing to come into the city two or three days a week instead of coming in five or six.

**Michael Green** [00:51:43] Thank you for coming in today and giving us an absolutely fascinating insight into your life in the law.

**Peter Norden** [00:51:49] Thanks, Mike.

**voiceover** [00:51:52] The notes from today's episode can be found at [Greenslist.com.au/podcast](https://Greenslist.com.au/podcast), there you'll find useful links, a transcript of the show and some wonderful shots of our guests. We're keen to know what you think so please reach out by all the usual channels. Let us know the questions you'd like us to ask, topics you'd like explored or ideas for future guests. If you're enjoying lives in the law, please tell your networks and subscribe, rate and review the show, it really helps others find out about us.

Our show is produced by me Catherine Green, recorded and mixed by Alex McFarlane, who also wrote and performed all the music for the series. We are coming to you this week and every week from the iconic County Court of Victoria on the corner of William and Lonsdale Streets in our beautiful city of Melbourne. We acknowledge the Wurundjeri people of the Kulin Nation as the traditional custodians of this land and pay our respects to their elders past, present and emerging. There is no doubt that conversations about justice have been taking place on this land for thousands of years, and we are privileged to continue this discussion here today.