

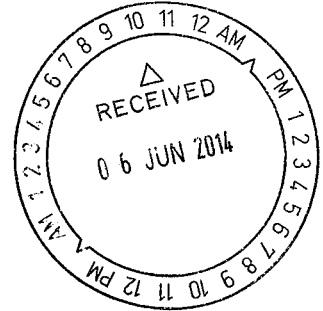
SOCIAL JUSTICE ALLIANCE
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30 May 2014

Chairman
Standing Committee on Environment & Public Affairs
Legislative Council Committee Office
18-32 Parliament Place
WEST PERTH WA 6005

Attention: The Honourable Simon O'Brien MLC



Dear Mr O'Brien,

PETITION 34 - REVIEW LIFE SENTENCES OF WOMEN IN PRISON FOR DOMESTIC HOMICIDE

Thank you for your letter dated 12 May 2014.

Please find *enclosed* the written submissions on behalf of the Social Justice Alliance.

We confirm that this matter has not been taken to the Parliamentary Commissioner for Administrative Investigation (Ombudsman).

We thank you in advance for taking the time to read our submissions. Our contact details are listed above if you require any further information.

Yours sincerely,


Dr Courtney Field, Law Lecturer
Murdoch University

Professor Donna Chung
Curtin University
The University of Western Australia

Lesley Kirkwood, Managing Solicitor
Women's Law Centre of WA Inc

Kedy Kristal, CEO
Patricia Giles Centre

Angela Hartwig, CEO
Women's Council for Domestic and Family Violence Services (WA)

The Social Justice Alliance (SJA) is a group of women and men advocating on behalf of two women currently incarcerated in Bandyup Women's Prison (BWP). The SJA are seeking the opportunity for Robyn Buller and Lesley Dowling to be considered for parole. We are not seeking a rehash of the events that led to their incarceration. We make no claim that either Robyn or Lesley are innocent of the offence for which they were found guilty. Furthermore, both we and the women acknowledge and accept the findings of guilt. We are aware they have exhausted all legal avenues and have accepted those decisions.

Lesley Dowling

We acknowledge and accept the facts that Lesley Dowling was a victim of horrific family and domestic violence and sexual assault during the period of her marriage at the hands of her husband Neil Dowling. At a point of desperation, her son Marcus Pitt killed his stepfather. On the discovery, Lesley attempted to conceal the fact that Neil had died and prevent the crime from being detected. She also admits to misleading the police about the circumstances of the crime. Lesley demonstrates an understanding of why the jury came to the verdict that she was guilty of wilful murder.

Lesley is now 61 years old. She has been incarcerated in BWP since 25 March 1995. Lesley was sentenced under the *Offenders Probation and Parole Act 1963*. Her earliest release date was March 2012, however she remains in custody. Lesley has been assessed as eligible for parole by the Prisoners Review Board but ultimately requires a decision from the Attorney General about her release.

Shortly after her incarceration, Lesley re-discovered her faith in God and the Church. She has studied theology and has a Diploma in Ministry from the Morling College of Sydney. Whilst incarcerated, Lesley became a liturgical assistant to the chaplains in BWP. This is like being a lay deacon and means that Lesley can assist with pastoral care, the liturgy and the services. She has been doing this for over 17 years. Lesley is now studying a Bachelor of Theology at Murdoch University and is currently in her third year. Lesley has worked in various prison jobs during her incarceration. She has been an active member of the Peer Support Team, providing mentoring to women in BWP. Lesley has been in self-care for most of her time in BWP and now lives in the Village, which is a new part of the prison.

On her release, Lesley hopes to be ordained as a deacon of the Anglican Church. It is her intention upon release to enter into the service of the Anglican Church and serve the community.

Robyn Buller

We acknowledge and accept the facts that Robyn was the victim of horrific family and domestic violence, including sexual assault, at the hands of her husband Dave Buller. This was perpetrated over a period of many years. After a particularly horrific assault, Robyn decided to end her own life. The gun she intended to use accidentally fired, killing Dave Buller, who was asleep in the bedroom. Robyn concealed the crime from police.

Robyn is now 55 years old and has been incarcerated in BWP since 27 June 1999. Robyn's earliest release date is 27 June 2015. Robyn has been engaged in full time study since 2003. She has a Bachelor in Sociology and a second major in History from Murdoch University. Robyn studied Honours at Murdoch University and a Graduate Diploma in Criminology and Justice at Edith Cowan University. Robyn has made the Dean's Honours Roll on two occasions. Robyn has been offered the opportunity to commence a PhD with both Murdoch University and the University of Canberra. Robyn has also been offered employment at Murdoch University on her release.

Robyn is an accredited tutor for Open Universities at Murdoch University and tutors women in BWP with undergraduate units, TAFE and general literacy. Robyn has been an active member of the Peer Support Team, working with victims of family and domestic violence in BWP. Robyn also tutors craft classes for women in BWP. When Robyn is released from prison she wants to work with women who are victims of domestic violence or in an academic field relating to family and domestic violence and education for perpetrators and the community.

Case for release

The SJA acknowledges and accepts the claims made by both women that they were victims of significant physical, sexual and psychological abuse at the hands of the men they killed. We accept these claims in the absence of any other compelling motives for their behaviour or diagnosis likely to explain their behaviour. We are also mindful of the significant body of empirical literature that describes the tendencies of victims of domestic violence to actively hide evidence of the abuse they were subjected to. We contend that neither woman is, nor was, a threat to society. As such we feel that their incarceration is not in the best interests of either woman and creates an unnecessary economic burden to the wider community.

The intention of the SJA and the petition is to highlight the remarkable success of the women's rehabilitation. Both women have used the period of their incarceration to the best advantage possible.

We do not seek to blame anyone for the current situation that Robyn and Lesley find themselves in. We feel that the success of our petition campaign reflects the better understanding in the community of the impact of family and domestic violence, as well as the impact of long term exposure to trauma.

Given the above, we feel that the appropriate response is to show mercy and release both women on parole. We feel this will allow Robyn and Lesley to be reintegrated back into society in a carefully monitored fashion, which is necessary after the long period of incarcerations served. In this way, each will be able to make the best use of the skills they have developed over the course of their successful rehabilitation.

It is our view that it is unjust to keep Robyn and Lesley in prison. In addition, there is no public interest in the women's continued incarceration. Neither of the women represent a danger to the community in any way, nor did they ever. There is no risk of the women committing offences in the future.

The behaviour of each of the women in prison and their transformations have made them model prisoners. Both women are prepared for immediate release from prison. A number of people are prepared to provide references of support. The passage of time, together with the women's exemplary performance in prison, has made it evident the women do not pose a threat to society in any way and there is no purpose served by their continued imprisonment.

It is clear from the above that the women have transformed their lives and will be able to benefit and make a real difference to the community on their release, rather than being a burden to the taxpayer.

The SJA confirm this matter has not been taken to the Parliamentary Commissioner for Administrative investigations (Ombudsman).

Thank you for taking the time to read our submissions.