

Wednesday, 28 March 2018

## Recommendations to reduce disproportionate Indigenous incarceration must not be ignored

The Law Council today backed the Australian Law Reform Commission's (ALRC) [Indigenous incarceration report](#) and warned that its compelling recommendations must not be shelved like those from the 1991 Royal Commission into Aboriginal Deaths in Custody report.

Many of the 35 recommendations released today echo what has been heard in submissions to the Law Council's [Justice Project](#) - including:

- **Justice Targets** – the Commonwealth Government, in consultation with State and Territory Governments, should develop national criminal justice targets to reduce the rate of incarceration of Aboriginal and Torres Strait Islander people and violence against them.
- **Justice reinvestment** – all levels of Government should provide support for the establishment of an independent justice reinvestment body to promote the reinvestment of resources from the criminal justice system to community-led, place-based initiatives.
- **Repeal Mandatory sentencing** – all levels of Government should repeal legislation imposing mandatory or presumptive terms of imprisonment upon conviction of an offender that has a disproportionate impact on Aboriginal and Torres Strait Islander peoples.
- **Bail and sentencing options** – ensuring that these are culturally appropriate and include community-based sentencing options.
- **Interpreter schemes** – State and Territory Governments should work with relevant Aboriginal and Torres Strait Islander organisations to establish interpreter services within the criminal justice system where needed and monitor and evaluate their use.
- **Imprisonment for fines** – fine default should not result in the imprisonment of the defaulter, and options should be developed which ameliorate the disproportionate effects of fines on Aboriginal and Torres Strait Islander people.

Law Council President, Morry Bailes said the disproportionate numbers of Aboriginal and Torres Strait Islander people in incarceration was a 'national crisis' requiring immediate action.

"It has been 27 years since the Royal Commission into Aboriginal Deaths in Custody found that Aboriginal and Torres Strait Islander people were imprisoned at seven times the rate of the general population, yet many of its 339 recommendations remain unimplemented," Mr Bailes said.

"Today's ALRC report identifies that this figure has jumped to 14.7 times for Aboriginal and Torres Strait Islander men and a staggering 21.2 times for Aboriginal and Torres Strait Islander women.

"The ALRC report must not go the way of the past Royal Commission report where most of the recommendations are still gathering dust. The ALRC's recommendations offer a renewed roadmap to end disproportionate numbers of Aboriginal and Torres Strait Islander people in incarceration.

"The proposed justice reinvestment strategies are vital to communities. For decades, research has shown that top-down approaches to social issues do not work and we know top-down approaches do not reduce recidivism, they perpetuate and often drive it.

"We must invest in community-led, partnership-driven approaches and programs to break the cycle of incarceration."

Mr Bailes added that in urgently progressing these recommendations it is important that Aboriginal and Torres Strait Islander leaders and communities are closely engaged at every stage.

You can access the Law Council's submission to the ALRC's report [here](#).

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**Patrick Pantano: Public Affairs**

P 02 6246 3715

E Patrick.Pantano@lawcouncil.asn.au

**Sonia Byrnes: Communications**

P 0437 078 850

E Sonia.Byrnes@lawcouncil.asn.au