



# ALS

Aboriginal Legal Service (NSW/ACT) Limited

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**Media Release: 21 September, 2017.**

## **ALS WELCOMES CALLS FOR NEW SENTENCING GUIDELINES**

The Aboriginal Legal Service (NSW/ACT) is supporting calls for an offender's Aboriginal background to be taken into consideration when being sentenced, in an effort to address the alarming rates of Aboriginal incarceration across the country.

In a Submission to the Australian Law Reform Commission's (ALRC) national incarceration inquiry, the NSW Bar Association proposes new sentencing guidelines which would "expressly require courts to consider the unique systemic and background factors" affecting Aboriginal offenders, "providing equal justice in sentencing decisions."

It also recommends repealing mandatory sentencing laws because they disproportionately affect Aboriginal offenders.

Chief Executive Officer Les Turner said the ALS was encouraged by recommendations that Judges and Magistrates give special consideration to pre-sentence reports on an Aboriginal offender's circumstances when sentencing.

"The Bar Association's President Arthur Moses, SC, rightly describes Aboriginal incarceration rates as a national shame, or as we say, a national disgrace," Mr Turner said.

"The ALS believes the proposed overhaul of sentencing laws which take into account an Aboriginal person's background, including drug and alcohol abuse; interaction with child protection and family violence, would acknowledge the vicious cycle of intergenerational disadvantage that so often leads to Aboriginal people ending up before the courts and in prison.

"These type of sentencing reports are used for Indigenous peoples in Canada and the ACT Government is working on developing a trial of a similar system within its jurisdiction. Given that Aboriginal people now make-up 27% of Australia's adult prison population, the ALS believes it's crucial that our Governments work with us to focus on restorative justice and culturally-sensitive rehabilitation programs for Aboriginal offenders, if we have any hope of reducing rates of Aboriginal incarceration."

The ALS will soon be releasing its Submission to the ALRC after reviewing feedback from its series of State-wide community justice forums.

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