

Law Council says Indigenous imprisonment is a national crisis

The Law Council of Australia's Indigenous Legal Issues Committee and Indigenous Imprisonment Working Group today met to discuss the alarming Aboriginal and Torres Strait Islander imprisonment rates.

Law Council of Australia President-elect, Mr Duncan McConnel, said Indigenous imprisonment rates have doubled since the time of the Royal Commission into Aboriginal Deaths in Custody.

"Now, around 1 in 4 deaths in custody is Indigenous, up from 1 in 7 at the time of the 1991 Royal Commission into Aboriginal Deaths in Custody."

Mr McConnel said the release of the Productivity Commission [Report](#) on *Overcoming Indigenous Disadvantage* last week shows that while some improvement is being made in relation to employment, education and health, the rate of Indigenous imprisonment is growing at an alarming rate.

"Indigenous youths are now locked-up at 24 times the rate of non-Indigenous youths and the incarceration rate for Indigenous women has increased by 74% since the year 2000.

"This is a national crisis, requiring a national response and leadership from the Federal Government.

"In August last year the Law Council welcomed the Federal Government's commitment to developing a series of justice targets aimed at addressing disproportionately high imprisonment rates of Indigenous Australians as an important and positive commitment.

"The recent announcement by Senator Scullion that the Federal Government is no longer considering justice targets in response to what can only be called a national emergency, is unexplained and unacceptable.

"It appears to go against the Minister's own advice on this issue.

"The Government's change of position comes in the wake of cuts to legal assistance services for Aboriginal and Torres Strait Islander peoples," Mr McConnel said.

In December last year, the Federal Government announced \$13.4 million in cuts to Indigenous legal services and has now also refused to guarantee ongoing funding for Family Violence Prevention Legal Services, the only legal services dedicated to assisting Aboriginal victims of family violence – mostly women and children.

"What we are now seeing is a reduction in legal aid funding for Aboriginal people, while legal need continues to increase year to year," Mr McConnel said.

This growing legal need was highlighted in the Law Council's recent Federal Budget [submission](#) which referred to evidence from the Director of the New South Wales Bureau of Crime Statistics and Research, Dr Don Weatherburn PSM, that Indigenous Australians are now nearly 18 times more likely to be imprisoned than other Australians.

Dr Weatherburn attended the Law Council's Indigenous Legal Issues Committee meeting today and said the high rates of imprisonment are detrimental to entire communities and have a far reaching economic impact, with Dr Weatherburn estimating it is costing Australian tax-payers more than \$795 million per annum just to maintain the current level of Indigenous imprisonment.

The Law Council believes Indigenous imprisonment rates are also being impacted by the expanded take-up of minimum mandatory sentencing regimes.

"The Law Council has recently released a Mandatory Sentencing [Policy](#) and [Discussion Paper](#) to draw attention to effects of mandatory sentencing regimes.

"The Law Council considers that mandatory sentencing potentially results in harsh and disproportionate sentences where the punishment may not fit the crime.

"There are already many reported examples where mandatory sentencing has applied with apparently unjust results – such as a 15 year old Aboriginal boy receiving a 20 day mandatory sentence for stealing pencils and stationery.

"The Law Council's Mandatory Sentencing Policy and Discussion Paper are intended to call on Governments to explore alternatives to mandatory sentencing terms of imprisonment such as justice reinvestment strategies and diversionary non-custodial options.

"Evidence suggests such programs can be more effective in reducing crime, improving rehabilitation outcomes for offenders and providing pathways to training and employment outside prison.

"These programs have the potential to deliver long term, sustainable outcomes for the community and are consistent with Australia's commitment to the rule of law.

"The Law Council is calling on the Federal, State and Territory Governments to place Indigenous imprisonment on the agenda of the Council of Australian Governments and to develop a sustainable and achievable strategy for lowering the rate of Aboriginal and Torres Strait Islander imprisonment," Mr McConnel concluded.

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INDIGENOUS IMPRISONMENT STATISTICS

Developed by the Law Council of Australia based on the findings of the Productivity Commission *Overcoming Indigenous Disadvantage 2014 Report*.

Aboriginal and Torres Strait Islander Australians are over-represented in the criminal justice system. Although Aboriginal and Torres Strait Islander adults make up only 2.3% of the Australian adult population, they accounted for 27.4% of all prisoners.



CHILDREN IN DETENTION



IMPRISONMENT RATES

Imprisonment rates for Indigenous youths are

24 times higher

than non-Indigenous young people.

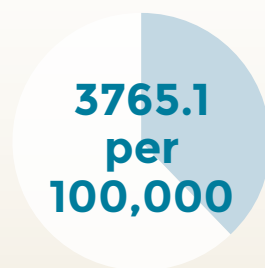
Imprisonment rates for Aboriginal and Torres Strait Islander adults are

13 times the rate

for non-Indigenous adults.



All states and territories recorded increased rates of imprisonment for Aboriginal and Torres Strait Islander adults between 2000 and 2013

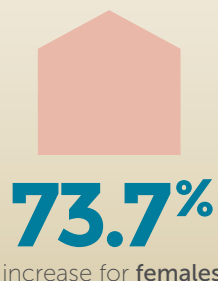


adult Aboriginal and Torres Strait Islander **males**



adult Aboriginal and Torres Strait Islander **females**

Since 2000 female Indigenous imprisonment has been growing at a faster rate than that of Indigenous males



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