



## AUSTRALIAN BAR ASSOCIATION

### MEDIA ALERT

27 November 2014

#### **Statement from the ABA on addressing Indigenous imprisonment rates**

The unacceptable rates of indigenous incarceration have once again been highlighted by the recent figures released by the Productivity Commission's report, *Overcoming Indigenous Disadvantage*.

The ABA calls for a commitment to a national approach to reducing the high numbers of imprisoned Indigenous people and Indigenous victims of crime.

Tangible and concerted action is required from the Federal and all State and Territory Governments.

The ABA repeats its calls upon the Commonwealth, State and Territory Governments to:

1. Introduce effective Indigenous justice programmes, including the reintroduction of rehabilitative and therapeutic programmes in the Northern Territory, such as the SMART Court and Community Court Models
2. Adopt Justice Reinvestment as a guiding practice, whereby funds that would otherwise be allocated for imprisonment are instead directed to local communities with a high concentration of offenders addressing the underlying causes of crime within that community
3. Restore funding to Aboriginal legal services
4. Commit to a coherent national approach to reducing the high numbers of imprisoned Indigenous people and Indigenous victims of crime
5. Repeal section 16AA of the Crimes Act (Cth) to enable the establishment of sentencing principles and programmes which specifically recognise Indigenous customary law and, where possible, include customary law considerations in sentencing.

The causes of Indigenous crime have not changed in 23 years: poor social conditions and severe alcohol abuse and dependency. These have not been addressed or effectively improved by successive Governments. Merely imprisoning Indigenous Australians at ever increasing rates will never address the complex causes of these crimes, nor will it remove the dangers posed to Indigenous and other victims.

*Joint statement from Australian Bar Association President Mark Livesey QC, and Vice President Fiona McLeod SC*

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