



MEDIA RELEASE

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AUSTRALIAN BAR ASSOCIATION RESPONDS TO ALARMING BOCSAR STATISTICS THAT SHOWS 40% OF INDIGENOUS DEFENDANTS ON REMAND DO NOT GO ON TO RECEIVE CUSTODIAL SENTENCES.

Australian Bar Association has responded to today's release of the latest BOCSAR statistics on NSW Indigenous crime and imprisonment, calling on governments to take a closer look at bail and community-based orders and their impact on the increasing rates of Indigenous incarceration.

Today's reports show that Indigenous imprisonment rates in NSW have risen by 40% over the past 15 years, despite a nearly 37% decline in the Indigenous arrest rate for violent offences and 32% decline in the Indigenous arrest rate for property crime.

Australian Bar Association's Indigenous Issues Committee Chair, Phillip Boulten SC said, "The ABA is extremely concerned by the latest statistics that show 40% of NSW Indigenous defendants who are being held in prison on remand, do not go on to receive a custodial sentence. This again highlights the inappropriateness of the state's bail laws as a major contributor to the increasing rates of Indigenous incarceration."

"In many cases, people in disadvantaged circumstances have no stable address to be bailed to and as a result are locked up. We need to consider more practical measures, such as bailing Indigenous offenders to a community of elders, and giving these communities a role in the justice process."

The BOSCAR report states that the rise in Indigenous imprisonment in NSW is due to a combination of factors, but also cites a significant increase in justice procedure as part of the reason behind the increase.

"Justice procedure offences are those related to breaches of custodial orders, such as bail conditions, community-based orders and breaches in Apprehended Violence Orders. As we have witnessed from recent media reports, such as the 4 Corners story on Justice Reinvestment in Bourke, these breaches can be trivial and sometimes impossible for people in disadvantaged communities to comply with," said Mr Boulten SC.

"There are on average 30,000 prisoners in Australia at any one time, a quarter of them Indigenous, costing the country \$3 billion a year. Even a 10 percent reduction in the Indigenous imprisonment rate would save more than \$10 million a year,' said Mr Boulten SC.

"The ABA is pleased and encouraged to see a significant reduction in Indigenous arrest rates in NSW, but would ultimately like to see those rates translate to a reduction in Indigenous imprisonment. NSW is not alone in having a rising rate of Indigenous imprisonment, nor is it the jurisdiction with the highest rate of increase."

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