



MEDIA RELEASE

7 DECEMBER 2016

ABA WELCOMES CONSULTATION PROCESS FOR ALRC EXAMINATION INTO INDIGENOUS INCARCERATION

The Australian Bar Association welcomes the Federal Government's consultation on the draft terms of reference for the Australian Law Reform Commission (ALRC) inquiry into the incarceration rates of Indigenous Australians and encourages Commonwealth and State Governments to introduce immediately legislative and regulatory reforms.

"The upcoming ALRC inquiry is an excellent initiative and much needed, however there is no reason why Governments cannot introduce the legal reforms that have already been recommended now" said ABA President Patrick O'Sullivan QC.

The Australian Bar Association (ABA) has submitted a set of proposed terms of reference that would allow the ALRC to consider the complex nature of the underlying causes of Indigenous imprisonment and the criminal justice policies which may be contributing to its' disproportionate growth. The ABA's proposed terms also provide scope to review recommendations from previous reports and evaluate the effectiveness of existing justice reinvestment programs both in Australia and overseas.

The ABA submission on the proposed terms of reference emphasises the necessity for the ALRC inquiry to consider law reform to address these issues. "Law reform measures such as the amendment of incarceration for the non-payment of fines for low-level offences which don't warrant imprisonment would be an immediate action and reflective of a commitment to reduce the over-representation of Aboriginal people in the justice system," said Mr O'Sullivan QC.

"This year, Australia marked the 25th anniversary of the tabling of the recommendations of the Royal Commission into Aboriginal deaths in custody. The anniversary was both alarming and sobering because, in that same period of time, the rate of Indigenous incarceration has doubled from 14 percent to 27 percent."

"The ABA has and will continue to campaign for an introduction of immediate measures including the removal of certain mandatory sentencing laws that have the biggest impact with minimum effect on Indigenous people, as well as a review of bail laws, fine default imprisonment and investing in justice reinvestment programs."

"There is a real sense of momentum from government to address the nation's Indigenous incarceration rates, and the ALRC examination is a genuine example of that. To ensure the examination delivers real change, the involvement and consultation with the Indigenous community throughout this process is an absolute priority" said Mr O'Sullivan QC.

MEDIA ENQUIRIES: Jo Oakes 0439 700 076 media@austbar.asn.au