



AUSTRALIAN BAR ASSOCIATION

MEDIA RELEASE

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Australian Bar Association *again* calls for urgent action to address unacceptable Indigenous imprisonment rates

One year ago, the Australian Bar Association (ABA) called on the Council of Australian Governments (COAG) to acknowledge and address unacceptable and deteriorating Indigenous imprisonment rates.

Regrettably, the most significant step since taken by the Federal Government has been to cut funding from all Aboriginal Legal Aid services, which only compounds the problem.

Indigenous Australians make up approximately 2.5% of Australia's population, but account for 27.6% of the prison population. The current systems are failing Indigenous Australians and need to be critically examined with a view to change.

"23 years after the landmark Royal Commission into Aboriginal Deaths in Custody, Indigenous imprisonment rates have increased, from 14% of the prison population to virtually double that with current levels at 27.6%," said ABA President Mr Mark Livesey QC.

"Indigenous adults are 15 times more likely to be imprisoned than non-indigenous adults, and the disparity for juveniles and women is even greater. The combined effect of high crime rates and high imprisonment rates threaten the viability of indigenous communities and entail grave risks for the families and victims of offenders", said Mr Livesey QC.

What was highlighted as a crisis by the Royal Commission has worsened. However State, Territory and Federal Governments still fail to acknowledge the crisis and effectively address it.

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.

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

Again, the ABA calls upon the Commonwealth, State and Territory Governments to:

- 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;
- 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;
- Restore funding to Aboriginal legal services;
- Commit to a coherent national approach to reducing the high numbers of imprisoned Indigenous people and Indigenous victims of crime; and
- 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.

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