

MEDIA RELEASE

NSW BAR ASSOCIATION URGES IMMEDIATE REFORM OF FIRST NATIONS INCARCERATION FOLLOWING SHORTLAND INQUEST

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NEW SOUTH WALES
BAR ASSOCIATION

The NSW Bar Association reiterates its call for urgent action to reduce incarceration rates of First Nations people, following this week's findings of Coronial Inquest into the death of 'RRC' at the Shortland Correctional Centre.

"The Bar Association condemns another preventable death of a First Nations person in custody through an avoidable hanging point that should not have been in the prison system" said Gabrielle Bashir SC, President of the New South Wales Bar Association.

"Last century, the Royal Commission into Aboriginal Deaths in Custody highlighted the need to remove suicide hanging points to reduce the number of deaths in custody (see para 3.3.35 of the Volume 1 Report; available here.) Many inquiries have made similar recommendations since that time yet the death in custody that is the subject of this latest inquest occurred in November 2021."

A key recommendation of the NSW Select Committee into the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody in April 2021 was the NSW Government assess the current status of hanging points in all NSW correctional facilities and develop a detailed plan and timetable for the removal of these points, or discontinue placement of vulnerable inmates, including First Nations people, in these cells (Recommendation 29). Such a plan and timetable remain outstanding. Many of the other key recommendations of that extensive Inquiry are yet to be addressed.

"While the NSW Bar welcomes the Deputy State Coroner's recommendations for Corrective Services NSW to look elsewhere for best practice with regard to risk intervention teams and alternative models, urgent action is required on behalf of government," Ms Bashir said.

"The rate of deaths of First Nations adults in custody in NSW remains unacceptably high. Despite the NSW government pledge to cut the rate of First Nations adult incarceration by 15 per cent by 2031 and by 30 per cent for minors aged 10-17, the most recent BOCSAR figures (published in June 2023, here) show the number of First Nations adults in prison is increasing. The remand custody population for Aboriginal young people rose 87.8% from December 2021. The data shows how much harder the NSW Government needs to work to meet Closing the Gap targets, with all but two key indicators of Aboriginal over-representation showing increases at every stage of the NSW criminal justice system."

"In addition to urgent attention being given to hanging points in prisons, immediate reforms that will Close the Gap can be made across the system, including greater focus on youth diversion, support for people to comply with their bail, raising the minimum age of criminal responsibility, improved discretionary policing practices, and greater investment in therapeutic sentencing processes aimed at reducing re-offending," Ms Bashir said.

"Funding for a permanent Walama Court should also be prioritised. The government has previously stated support for establishing the Walama Court, which will ensure the benefits of a culturally-informed and community-based approach to sentencing are accessible to more First Nations people."

"This tragic death of another First Nations person in custody only emphasises the crucial need for the NSW Government to implement the many practical reforms already recommended in order to make essential and long overdue reforms to our justice system," Ms Bashir said.

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