



Media Release:

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ATSILS calls for Government to act on ALRC recommendations to tackle soaring incarceration rates

The Aboriginal and Torres Strait Islander Legal Service (QLD) Ltd welcomes the report and recommendations of the Australian Law Reform Commission's 'Pathways to Justice - Inquiry into Incarceration Rates of Aboriginal and Torres Strait Islander Peoples' tabled in Parliament today.

ATSILS CEO Shane Duffy said, "This report is yet another validation of the extreme disadvantage Aboriginal and Torres Strait Islander people face day to day when coming in contact with the justice system and presents clear, evidence based solutions that can address the disproportionate rate at which Aboriginal and Torres Strait Islander people are incarcerated."

"The recommendations handed down in this report provides yet another opportunity for all levels of government to turn their rhetoric into action and work with Aboriginal and Torres Strait Islander communities and organisations to implement real change and create safer communities" said Mr Duffy.

"Back in 1991 the Royal Commission into Aboriginal Deaths in Custody also found that an unfair and discriminatory justice system was failing our people and fuelling over-incarceration. It offered comprehensive solutions that could affect change through its 339 recommendations, but these were left on the shelf largely ignored and unimplemented by governments. Fast forward almost 3 decades later and here we are today grappling with an even more complex and rapidly growing problem so shameful the Federal Government has labelled it a 'National Disgrace'. We can't let this history of inaction continue to repeat and drop the ball on this again," Mr Duffy said.

Research commissioned by ALRC shows the magnitude of the crisis we are dealing with today with Aboriginal and Torres Strait Islander men found to be 14.7 times more likely to be imprisoned than non-Indigenous men, and Aboriginal and Torres Strait Islander women found to be 21.2 times more likely to be imprisoned than non-Indigenous women. Between 2006 and 2016 imprisonment rates have increased by 41%. The report noted that Although Aboriginal and Torres Strait Islander adults make up around 2 per cent of the national population, they constitute 27 per cent of the national prison population.

As a matter of priority and in line with our national peak body (National Aboriginal and Torres Strait Islander Legal Services) we call on Governments to:

- Implement a National Justice target as part of Close the Gap framework.
- Promote justice reinvestment through redirection of resources from incarceration to prevention, rehabilitation and support, in order to reduce reoffending and the long-term economic cost of incarceration of Aboriginal and Torres Strait Islander peoples.
- Engage and empower Aboriginal and Torres Strait Islander people to provide basic universal services and adequately resource innovative community led solutions.
- Abolish mandatory sentencing, which disproportionately affects Aboriginal and Torres Strait Islander people and increasing more culturally appropriate diversionary options and community-based alternatives.
- Reform laws so that Aboriginal and Torres Strait Islander people are not sent to prison for minor offences such as offensive language or unpaid fines.
- Fix bail and sentencing laws so that a person's cultural experience can be taken into account.
- Adequately resource and provide funding certainty to Aboriginal and Torres Strait Islander Legal Services, Community Legal Centres and Legal Aid Commissions more broadly. Ensuring access to justice for vulnerable community groups fundamentally requires sufficient, sustainable and ongoing funding for legal assistance providers.
- Enact mandatory Custody Notification Systems in partnership with every ATSILS.

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