

Thursday, 15 April 2021

Time to address unacceptably high level of Indigenous people in custody

The Law Society of NSW today welcomed a NSW parliamentary committee report on the “unacceptably high” level of Indigenous people in custody, which has been tabled 30 years to the day since the final report of the Royal Commission into Aboriginal Deaths in Custody was handed down.

The Select Committee Report on First Nations people in custody has adopted many of the recommendations made in the Law Society’s submission to the Inquiry, including that the NSW Government commit to the immediate and comprehensive implementation of all outstanding recommendations from the 1991 Royal Commission report.

Other measures supported by the Law Society and included in the Select Committee’s recommendations include:

- Long term funding for justice reinvestment
- Expansion of the Drug Court to regional areas
- Expansion of circle sentencing to more locations
- Fund the establishment of the Walama Court in the District Court
- Raise the minimum age of criminal responsibility
- Provide adequate funding and resources to ensure that drug and alcohol rehabilitation services are available across New South Wales
- Amend the Bail Act 2013 to include a standalone provision that stipulates a bail decision maker must take into account any issues that arise due to the person's Aboriginality, similar to section 3A of the Bail Act 1977 (Vic).

President of the Law Society, Juliana Warner, said today’s report sets out a pathway for far-reaching reforms to the criminal justice system.

“In 1991, the Royal Commission into Aboriginal Deaths in Custody made 339 recommendations – 30 years later the rate of Indigenous incarceration remains unacceptably high and tragically more than 450 Aboriginal and Torres Strait Islander People have died in custody,” Ms Warner said.

“The time has come for a concerted and coordinated whole of government response to make substantive, structural changes to address these long standing issues.

“As we stated in our submission, the key finding of the Royal Commission and subsequent reviews is that the crux of the problem is the disproportionate number of Aboriginal and Torres Strait Islander people in our criminal justice system, and the systemic issues underlying incarceration.

“Given that the 2018 Deloitte review of the implementation of the recommendations from the Royal Commission found that, “the lowest proportion of fully implemented recommendations relates to self-determination, non-

custodial approaches, and cycle of offending”, it’s not surprising that these issues remain unaddressed almost 30 years after the Royal Commission.

“Significantly, this view that has also been expressed by the Select Committee in their final report.

“We support calls for all of the recommendations from the Royal Commission into Aboriginal Deaths in Custody to be fully implemented, in particular those recommendations that are underpinned by Indigenous community empowerment and principles of self-determination.

“And we must not ever forget that the pain, grief and suffering endures for the families, friends and communities of every single Indigenous person who has died in custody before or since the Royal Commission,” Ms Warner said.

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