

MEDIA RELEASE



NEW SOUTH WALES
BAR ASSOCIATION

HIGHER TARGETS TO REDUCE INDIGENOUS INCARCERATION CAN BE IMPLEMENTED QUICKLY, SAFELY

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Higher targets to reduce the over-representation of First Nations People in Australia's criminal justice system could be achieved more quickly and safely based on new data, the New South Wales Bar Association said today.

Last week the Federal Government announced a justice target to reduce adult incarceration of First Nations People by 15% by 2031. [New figures released this week by the NSW Bureau of Crime Statistics and Research](#) (BOCSAR) reveal the State's prison population has been reduced in eight weeks by 11% and the youth detention population by 27% from February to June in response to the threat of COVID-19.

"These figures clearly show how unambitious the Commonwealth justice target really is. Reducing the prison population can evidently be done successfully, efficiently and much more quickly, without impermissibly compromising community safety," New South Wales Bar Association President, Tim Game SC, said.

BOCSAR's data also indicated that the total number of Aboriginal persons in custody in NSW had been reduced by 11.3% between February and May 2020. BOCSAR attributed these reductions to several factors including operational changes in the justice system, such as more favourable bail decisions by police and courts and an increase in people released from remand to await court cases in the community. However, despite the decrease in the total number of Aboriginal persons in custody, the percentage of Aboriginal persons as a percentage of total inmates consistently remained around 26%, reflecting ongoing over-representation by a factor of 9-10.

"There is no reason to expect that similar results could not be achieved to address the significant and unacceptable over-representation of First Nations People in Australian prisons," Mr Game said.

"First Nations led organisations have consistently advocated that governments can end the over-incarceration of First Nations People within a decade. BOCSAR's figures substantiate this claim.

"These new figures confirm that where there is a political will, there is a way to practically achieve a substantial and swift reduction in the number of First Nations People in custody. Addressing this crisis must be a matter of national urgency," said Mr Game.

The Association calls on the Commonwealth and NSW Governments to respond to and implement the [Pathways to Justice](#) Report recommendations, including:

1. the establishment of an independent justice reinvestment body, overseen by a Board with Aboriginal and Torres Strait Islander leadership, and the initiation of justice reinvestment trials to promote engagement in the criminal justice system;
2. the establishment of properly resourced, specialist Aboriginal and Torres Strait Islander sentencing courts to be designed and implemented in consultation with Aboriginal organisations, including the Walama Court in the NSW District Court;
3. the diversion of resources from the criminal justice system to community based initiatives that aim to address the causes of Indigenous incarceration;
4. the expansion of culturally appropriate community-based sentencing options, resourced and supported by the State Government.

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