



Australian
Bar Association

MEDIA RELEASE

28 March 2018

SUBSTANTIVE REFORMS NEEDED TO ACHIEVE EQUAL JUSTICE FOR ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES

The Australian Bar Association (ABA) welcomes the Australian Law Reform Commission (ALRC) report, *Pathway to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*.

The Report is a comprehensive review of the nation's Justice Systems and their impact on the incarceration rates of Aboriginal and Torres Strait Islander Peoples. It deals with the ingrained over-representation of Indigenous people in prison which has become a national disgrace.

The ABA agrees that substantive reforms are needed to achieve equal justice. The Report provides a series of recommendations that the ABA has advocated for some time, including that:

- mandatory and presumptive sentencing provisions which disproportionately affect Aboriginal and Torres Strait Islander peoples should be repealed
- fine default imprisonment should be abolished. The imprisonment of persons in default of payment of fines is an unjust and a disproportionate punishment which unduly affects Aboriginal and Torres Strait Islander peoples
- an independent justice reinvestment body should be established to address the underlying causes of crime and to provide expertise and assistance to local Indigenous groups to implement place-based justice reinvestment plans
- sentencing and bail legislation should be reviewed to curb high incidences of trivial justice procedure offences often associated with social disadvantage
- all sentencing courts should be required to take into account the unique systemic and background factors that affect Aboriginal and Torres Strait Islander individuals and communities

The ABA accepts that some of the ALRC's recommendations require funding to effectively implement. This money will be well spent, so long as this expenditure is properly evidence-based and assessed against targets.

The recommendations of the Report provide Australian governments with a significant opportunity to make informed and practical changes, delivering better justice outcomes for Aboriginal and Torres Strait Islander peoples and the country as a whole. The ABA urges Australian governments to act swiftly on the recommendations of the Report.

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