Indigenous jail rates 'a disgrace'

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The gross over-representation of Aboriginal people in prison is a "national disgrace" and should be tackled by abolishing controversial mandatory sentences for a range of minor offences, the nation's peak body for barristers has urged.

In a plan to be unveiled today, the Australian Bar Association called on state and territory governments to scrap or amend mandatory sentencing laws for crimes including minor assaults, driving offences and petty theft.

The laws, which differ significantly between jurisdictions, are partly to blame for the disproportionately high rate of incarceration of Indigenous Australians, who account for approximately 24 per cent of the prison population but just 3 per cent of the general population.

"The re-imprisonment rate for Aboriginal children is higher than the retention rate of school. It's just a national disgrace and we've got to do something about it," the association's president, Patrick O'Sullivan, QC, said.

"On any one night in particular, 53 per cent of youth in detention are Indigenous."

The association has pointed to a range of "anomalous or unjust cases" involving mandatory sentencing, including a 15-year-old Aboriginal boy sentenced under Northern Territory mandatory sentencing laws in 2000 to 20 days in detention for stealing school supplies worth less than $100. He committed suicide in custody.

It also took aim at the imprisonment of offenders in Western Aus-

traia for fine default, noting the case of Aboriginal woman Ms Dhu, who died two days after being imprisoned for four days in 2014 for unpaid fines totalling $3622.

While the association was not targeting NSW's controversial "one punch" laws for fatal alcohol or drug-fuelled assaults, it did oppose mandatory disqualifications in NSW for some driving offences which entrench offending and may ultimately lead to jail time.

Mr O'Sullivan said scrapping mandatory sentencing for some offences was not a "panacea" but would address part of a complex problem.

The proposal was "cost-neutral" and budget savings from reducing prisoner numbers could be reinvested in programs to rehabilitate offenders and reduce recidivism.

He met federal Attorney-General George Brandis on Monday to urge the federal government to take the lead in driving the change.

Federal Minister for Indigenous Affairs Nigel Scullion said he was "very concerned about the high rate of Indigenous incarceration" and the Commonwealth was "working with the states and territories to reduce Indigenous people's contact with the criminal justice system".

He supported a push to reduce incarceration for fine default but said mandatory sentencing was "a matter primarily for states and territories".

The government was focused on "tackling the acknowledged drivers of crime" including unemployment and poor educational outcomes, he said.