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## IPA REPORT – INDIGENOUS AUSTRALIANS AND THE CRIMINAL JUSTICE SYSTEM

A new report released today by the free market think tank the Institute of Public Affairs: *Indigenous Australians and the criminal justice system*, examines the very high rate of incarceration among Indigenous Australians. The report makes an original contribution through a renewed focus on core principles of justice and corrections, while being mindful of Indigenous disadvantage.

It finds that despite decades of special programs for Indigenous offenders, recidivism and incarceration rates have continued to climb, and calls for enhanced options for punishment and reform outside of the traditional prison system

The fourth major report of the IPA's Criminal Justice program authored by IPA Research Fellow, Andrew Bushnell, was recently incorporated into a submission to the Australian Law Reform Commission's *Inquiry into the Incarceration rates of Aboriginal and Torres Strait Islander peoples*.

"The standard of living of Indigenous Australians fall far short of the standard that the rest of the nation enjoys," Mr Bushnell said. "Many aspects of this disadvantage are correlated, in general, with higher offending and incarceration."

"However, these correlations also exist for non-indigenous cultural groups, and therefore it is incorrect and counter-productive to believe that the criminal justice system must treat Indigenous Australians in an exceptional way."

"The high level of Indigenous offending and incarceration can and should be addressed in a manner consistent with the traditional bases of the criminal justice system: community safety, fair punishment, and personal responsibility."

"All of the tools necessary for improving Indigenous outcomes in criminal justice are known and available," said Mr Bushnell.

However, there are unique difficulties in finding alternatives to incarceration. Indigenous offenders are more likely than the non-Indigenous to be imprisoned for violent crimes and to have been in prison before. Moreover, Indigenous Australians are more likely to live in remote areas where the delivery by Government of alternatives to incarceration, like home detention and work and community orders, is more difficult.

But Mr Bushnell said the problems were not insurmountable.

"More should be done to fill in the spectrum of coercion that exists between release into the community and imprisonment. In particular, residential programs in larger population centres that can sustain them would make employment programs and rehabilitation services more viable."

"It is important to improve Indigenous Australians' ability to access our universal system of justice, including alternative punishments, rather than developing parallel systems of justice that only reinforce social division," said Mr Bushnell.

In the report Mr Bushnell the search for solutions should not lead to setting aside traditional principles of justice. He said the criminal justice system must remain focused on defending individual rights and delivering retribution on behalf of victims and society, and the correction of offenders' antisocial behaviour, for the long-term benefit of all Australians of all backgrounds.

"To view this issue through any other prism is to diminish the agency and dignity of Indigenous Australians and perpetuate a racial separatism that is not in the long-term interests of Australians and national solidarity."

Australia's prison population grew by 43 percent between 2007 and 2016, with more than one third of this growth caused by the incarceration of Indigenous Australians. Indigenous Australians make up 3 percent of the general population, but 27 percent of the prison population.

There is growing awareness that incarceration in Australia is rising at an unsustainable rate. In previous reports, the Institute of Public Affairs Criminal Justice Project has demonstrated the potential benefits of reforming punishment for nonviolent, low-risk offenders and the importance of skills training and work to the reduction of recidivism. The lessons of successful criminal justice reform in the United States and elsewhere apply with equal validity to the problem of rising Indigenous incarceration.

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