

Submission on the ALRC inquiry into the incarceration rate of Indigenous Australians

Your details

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Your submission

On behalf of the Congress of Aboriginal and Torres Strait Islander Nurses and Midwives (CATSINaM) I am providing this submission to the Australian Government consultation regarding the draft terms of reference for the Australian Law Reform Commission (ALRC) inquiry into the incarceration rate of Indigenous Australians.

Submissions to ALRCIncarcerationInquiry@ag.gov.au

CATSINaM was founded in 1997 with a primary role to represent, advocate and support Aboriginal and Torres Strait Islander nurses and midwives at a national level. Aboriginal and Torres Strait Islander health professionals play a critical role in the delivery of improved social and emotional wellbeing outcomes for all Australians. CATSINaM is committed to providing national leadership around Aboriginal and Torres Strait Islander health and health workforce policy development and implementation.

CATSINaM makes the following comments to the Terms of Reference for the Australian Law Reform Commission (ALRC) inquiry into the incarceration rate of Indigenous Australians.

The terms of reference for this inquiry needs to explicitly include reference to the impact of people's cognitive and psychiatric impairment which is a significant contributor for Aboriginal and Torres Strait Islander peoples' interaction with the criminal justice system. Mental health and ill health as well as disability are key contributor to high levels of incarceration rates because of the failure of the human services system. Noting this issue as a consideration for the ARLC will not address the over-representation of Indigenous Australians in our prison systems and what reforms to the law could ameliorate this. In addition, unconscious bias needs to be examined and be explicitly referenced within the terms of reference because this broader contextual factor influences the application of the laws and legal frameworks that currently exists.

Therefore, we request amendments be made to the terms of reference for the ARLC inquiry to include the following three additional points:

- Under the point '...factors within laws and legal frameworks that affect decisions to hold or keep Indigenous Australians in custody...' include:
 - [the level of unconscious bias within the system and its impact in determining detention of Aboriginal and Torres Strait Islander peoples](#)
- Under the point: '...broader contextual factors contributing to Indigenous incarceration and any laws and legal frameworks with regard to these...' include the following:
 - [whether cognitive and psychiatric impairment for Aboriginal and Torres Strait Islander peoples' is understood and an influence in the decision to incarcerate](#)
 - [what are the deficiencies within the human services system that is leading to the incarceration of Aboriginal and Torres Strait Islander peoples with cognitive and psychiatric impairment?](#)