

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

Your details

Name/organisation <i>(if you are providing a submission on behalf of an organisation, please provide the name of a contact person)</i>	John Corker
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Your submission

I make this short submission in my personal capacity.

It is not clear to me that the terms of reference would extend to an investigation of the possibility of using the Royal Prerogative of Mercy or a 'pardon' as a means to significantly reduce the Indigenous Imprisonment rate in Australia.

There are many Aboriginal persons in prison for offences that non-Aboriginal persons would ordinarily not be imprisoned for. These include driving offences, unpaid fines, anti-social behaviour or failing to appear in response to a warrant. A pardon, as part of a broader policy to re-integrate the Aboriginal people back into their communities could be quite appropriate, having regard to the nature of their offences.

If we really wanted to reduce Aboriginal prison populations, one option to be explored would be the royal pardon, a power that has existed in the law for very long time. These pardons can be, absolute, conditional, remission of sentence or in respite of sentence.

I note also that this mechanism has been used in USA to reduce prison populations. Democratic President Barack Obama had pardoned or commuted the convictions of 1,014 people during his term of office, as of November 2016. (Wikipedia)

If we are to truly examine every option to address what is a national shame, the TOR of this inquiry should clearly cover the option of the use of the pardon.

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