



Law Council
OF AUSTRALIA

Australian Law Reform Commission Indigenous Incarceration Terms of Reference

Attorney-General's Department

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About the Law Council of Australia

The Law Council of Australia exists to represent the legal profession at the national level, to speak on behalf of its Constituent Bodies on national issues, and to promote the administration of justice, access to justice and general improvement of the law.

The Law Council advises governments, courts and federal agencies on ways in which the law and the justice system can be improved for the benefit of the community. The Law Council also represents the Australian legal profession overseas, and maintains close relationships with legal professional bodies throughout the world.

The Law Council was established in 1933, and represents 16 Australian State and Territory law societies and bar associations and the Law Firms Australia, which are known collectively as the Council's Constituent Bodies. The Law Council's Constituent Bodies are:

- Australian Capital Territory Bar Association
- Australian Capital Territory Law Society
- Bar Association of Queensland Inc
- Law Institute of Victoria
- Law Society of New South Wales
- Law Society of South Australia
- Law Society of Tasmania
- Law Society Northern Territory
- Law Society of Western Australia
- New South Wales Bar Association
- Northern Territory Bar Association
- Queensland Law Society
- South Australian Bar Association
- Tasmanian Bar
- Law Firms Australia
- The Victorian Bar Inc
- Western Australian Bar Association

Through this representation, the Law Council effectively acts on behalf of more than 60,000 lawyers across Australia.

The Law Council is governed by a board of 23 Directors - one from each of the constituent bodies and six elected Executive members. The Directors meet quarterly to set objectives, policy and priorities for the Law Council. Between the meetings of Directors, policies and governance responsibility for the Law Council is exercised by the elected Executive members, led by the President who normally serves a 12 month term. The Council's six Executive members are nominated and elected by the board of Directors.

Members of the 2017 Executive as at 1 January 2017 are:

- Ms Fiona McLeod SC, President
- Mr Morry Bailes, President-Elect
- Mr Arthur Moses SC, Treasurer
- Ms Pauline Wright, Executive Member
- Mr Konrad de Kerloy, Executive Member

- Mr Geoff Bowyer, Executive Member

The Secretariat serves the Law Council nationally and is based in Canberra.

Acknowledgement

The Law Council of Australia is grateful for the assistance of its Indigenous Legal Issues Committee, National Criminal Law Committee, the New South Wales Bar Association, the Law Society of South Australia, the Law Society of Western Australia, the Law Institute of Victoria (**LIV**) and the Law Society of New South Wales in the preparation of this submission.

Executive Summary

1. The Law Council welcomes the Australian Law Reform Commission's (ALRC) Inquiry into the over-representation of Indigenous Australians in Australia's prison systems. The Law Council thanks the Australian Government in providing stakeholders with the opportunity to review the draft terms of reference and to provide comment.
2. Indigenous imprisonment represents a consistently worsening national crisis. When the Royal Commission into Aboriginal Deaths in Custody (**the Royal Commission**) was released 25 years ago, Indigenous people were being imprisoned at seven times the rate of the broader population.¹ Today it's 13 times.² The rate of imprisonment of Aboriginal and Torres Strait Islander people has increased by over 57 per cent since the year 2000,³ and women and children are the fastest growing cohort.⁴
3. The link between disadvantage, crime, and imprisonment is already well established among criminologists.⁵ The link between adverse health outcomes and imprisonment has recently been highlighted by the Australian Medical Association.⁶
4. Significant drivers of Indigenous incarceration are laws that incarcerate people for default on driving related fines; the lack of non-custodial sentencing options in rural, regional and remote regions; and the impact of breaches of justice related procedures such as bail and apprehended violence orders. Mandatory minimum penalties are another key driver of high Indigenous incarceration rates, particularly where they involve property or alcohol related offences.
5. The Law Council and its Constituent Bodies have consistently advocated for reforms to the criminal justice system to address the increasing rates of Indigenous incarceration. We support the introduction of measures to divert people and, in particular, Indigenous offenders away from the criminal justice system. We have also consistently supported the introduction of initiatives that aim to address the underlying causes of offending and to reduce overall recidivism. For example, effective measures are needed to address the disproportionate

¹ Change the Record Coalition, *A generation of government failure - time for change* (2016), available at <https://nacchocommunique.com/2016/04/15/naccho-news-royal-commission-into-deaths-in-custody-25th-anniversary-today-whats-changed/>

² Australian Bureau of Statistics, *Prisoners in Australia* (2016), available at <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4517.0~2016~Main%20Features~Imprisonment%20rates~12>

³ Productivity Commission, *Overcoming Indigenous Disadvantage: Key Indicators* (2014), 21.

⁴ Law Council of Australia, *Addressing Indigenous Imprisonment National Symposium Discussion Paper* (November 2015), 4.

⁵ See, e.g. Don Weatherburn, 'What Causes Crime?' *NEW SOUTH WALES Crime and Justice Bulletin* (2001).

⁶ Australian Medical Association, *Health and the Criminal Justice System* (2012), available at <https://ama.com.au/position-statement/health-and-criminal-justice-system-2012>

number of Aboriginal and Torres Strait Islanders with cognitive or other impairment such as fetal alcohol syndrome in the criminal justice system. We continue to advocate for jurisdictions, including the Commonwealth, to set justice-specific Close the Gap targets. Genuine intergovernmental commitment and cooperation is urgently needed to address this fundamental problem.

6. To this end, the Law Council supports the ALRC's current Inquiry as an important step towards identifying solutions which may be drawn on from Australia's various jurisdictions. The Inquiry is also timely as much has changed since the release of the Royal Commission's recommendations, including knowledge and expertise in prisoner rehabilitation and restorative justice. However, it is imperative that Australian Governments provide a prompt and coordinated response to any recommendations made by the ALRC.
7. Aboriginal and Torres Strait Islander people have complex legal and non-legal needs. Factors such as illiteracy and disability, geographic isolation and language barriers restrict Aboriginal and Torres Strait Islander peoples' access to justice. Aboriginal and Torres Strait Islander people not only find it more difficult to access services, but often find that the services available may not be culturally appropriate or do not adequately address the myriad of legal and non-legal, criminal and non-criminal issues that people with complex needs experience.
8. The Law Council, New South Wales Bar Association, LIV, Law Society of South Australia, the Law Society of Western Australia and Law Society of New South Wales welcome the draft terms of reference and are encouraged by its breadth and scope. However, in light of the complex interplay of factors that contribute to the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system, the Law Council recommends that the terms of reference be expanded to include several issues as outlined in this submission.

Self-Determination and Aboriginal and Torres Strait Islander led-solutions

9. Aboriginal and Torres Strait Islander-led solutions and self-determination should be included in the terms of reference. Outcomes for Aboriginal and Torres Strait Islander people will 'only improve once practical gains in Aboriginal self-determination about children, families [and communities] are achieved'.⁷ The benefits of Aboriginal and Torres Strait Islander-led solutions are well documented.⁸ Aboriginal and Torres Strait Islander self-determination is integral to effective reform in terms of reducing Indigenous incarceration rates, and any review of services should include the availability of Indigenous service providers and/or culturally appropriate services.

Broader factors that contribute to incarceration

10. While examining how the impact of laws and legal frameworks on Indigenous Australians will contribute to addressing the rate of Indigenous incarceration, this is a matter that will not be meaningfully addressed without an examination of the cycle of criminal justice which begins before a person enters the system and continues after he or she leaves. The importance of socioeconomic factors such as housing, drug and alcohol dependence, cognitive or other impairment such as fetal alcohol syndrome, education and families have on preventing incarceration and/or minimizing the risk of recidivism should not be disregarded.

Justice Reinvestment initiatives

11. Justice Reinvestment initiatives should be specifically included in the ALRC's terms of reference. In particular, the Law Society of New South Wales suggests that the Inquiry examine the current work being undertaken by Just Reinvest New South Wales in Bourke.

Investigation into the cultural competence of agencies in the criminal justice system and participation of Indigenous people within these agencies

12. The terms of reference should include an investigation of the cultural competence of agencies in the criminal justice system, such as police, prosecution, community corrections, judiciary,

⁷ The Hon. Philip Cummins et al, Parliament of Victoria, *Report of the Protecting Victoria's Vulnerable Children Inquiry* (January 2012).

⁸ See e.g., Reconciliation Australia, *Justice Reinvestment: Community-led Solutions a Smarter Approach* (September 20, 2016) available at <https://www.reconciliation.org.au/news/justice-reinvestment-community-led-solutions-a-smarter-approach/>

legal services and the Justice and Forensic Mental Health Network. In particular, the terms of reference should have particular regard for the need for agencies to be able to understand and take appropriate account of culturally-specific practices that may influence a particular person's behaviour in relation to the matter(s) before the court. For example, this includes recognition of the importance of the concept of kinship in defining or shaping the attitudes, values and behaviour of many Indigenous people.⁹

13. The Inquiry should also identify the extent and nature of cultural competency training available to employees in these agencies, and whether further education and training should occur. We note that training should not be a "one size fits all", but should be informed, co-designed, guided and delivered in consultation with local Aboriginal communities and elders.
14. It is also important to examine the proportion of Indigenous people working in criminal justice agencies. This would assist in identifying the need for Indigenous participation and leadership in these agencies to improve cultural competence on an ongoing basis. Such an analysis would also enable leaders within these agencies to identify issues and develop policy changes, which ideally would lead to funding and pathways programs to boost participation and elevation of Indigenous people to leadership roles.

Racial profiling and systemic discrimination

15. Racial profiling is a form of systemic discrimination which infringes on an individual's basic human rights. Racial profiling may cause alienation, unnecessary criminalisation, detrimental socio-economic impacts and may inhibit Aboriginal and Torres Strait Islander people from reporting crimes and seeking assistance from police.
16. In its submission to the Victoria Police Inquiry into *Field Contact Policies and Procedures*, the LIV referred to Professor Chris Cunneen's evidence in *Daniel Haile-Michael & Ors v Nick Konstantinidis & Ors* (2013), where he concluded that racial profiling can be understood as a subset of the broader concepts of institutional racism, over-policing, racial bias, racist violence or racial discrimination. Professor Cunneen provided a substantive analysis of both statistical data and survey-based evidence in support of the proposition that racial profiling occurs in policing in Australia. He indicated that the key indicia of racial profiling are:

- (a) Police initiating contact by stopping, searching, questioning or requiring individuals to 'move-on' on the basis of the individual's race or ethnicity.

⁹ Judicial Commission of New South Wales, *Equality Before the Law Benchbook*, (July 2016), 1107, available at https://www.judcom.New South Wales.gov.au/wp-content/uploads/2016/07/Equality_before_the_Law_Bench_Book.pdf.

(b) Police harassment or the use of excessive force against individuals on the basis of their race or ethnicity.

(c) The adverse use of police discretion on the basis of race or ethnicity in relation to the use of arrest and charge rather than process by summons, or, in the case of juveniles, the failure to use diversionary options such as warnings, cautions or youth justice conferences.

(d) Police initiating contact on the basis of perceptions of membership of racial and ethnic 'gangs'.¹⁰

17. The Law Council and LIV recommend that these concerns should be the subject of consideration in the context of the ALRC's Inquiry.
18. Differences in the application of laws in different local contexts and/or in the deployment of policing resources in different local contexts should also be included.

Police contact with Aboriginal communities in relation to family violence

19. Police may be the first point of contact for many Aboriginal families experiencing family violence. Police have the potential to be an invaluable 'gateway' for connecting families to appropriate services which could facilitate early intervention to help reduce the risk of repeated victimisation, recidivism and the escalation of family violence. Unfortunately, the relationship between police and Aboriginal communities has historically been difficult and characterised by a lack of trust. A positive local police response to matters concerning Aboriginal communities is therefore important in terms of ensuring victim safety, ending the cycle of family violence and strengthening police- Aboriginal community relations.
20. Police contact with Aboriginal communities in relation to family violence should be included in the terms of reference.

Laws and legal frameworks that inform decisions to hold or keep Indigenous Australians in custody

21. Urgent reform is needed to laws that drive the disproportionate rate of Indigenous imprisonment. This includes imprisonment arising from fine defaults, minor traffic

¹⁰ Law Institute of Victoria, *Victoria Police Community Consultation* (2013) citing Professor Chris Cunneen, 'Opinion on Racial Profiling on Federal Court of Australia Proceeding No VID 969 of 2010', Submission in *Daniel Haile-Michael & Ors v Nick Konstantinidis & Ors*, VID 969 of 2010, 15 October 2012, available at http://www.communitylaw.org.au/flemingtonkensington/cb_pages/files/4_%20Professor%20Cunneen%20-%20first%20report%20-%202011%20oc12.pdf

infringements, decisions in relation to sentencing, including mandatory sentencing, and standard non-parole periods.

22. The impact of High Risk Offender orders and the disproportionate impact they have on Indigenous Australians being kept in gaol after their sentence as a result of a lack of targeted post release support should also be considered.
23. The Law Society of Western Australia has noted, for example, that the *Fines, Penalties and Infringement Notices Enforcement Act 1994* (WA) has a discriminatory and disproportionate effect, leading to the overrepresentation of Aboriginal or Torres Strait Islander peoples in the Western Australian prison system.
24. A recent Western Australian coronial inquest into the death of Ms Dhu, who died in police custody two days after being arrested for failing to pay fines totalling \$3,633, has highlighted the serious issue of imprisonment for repeated fine default. The Coronor made the following recommendations in relation to fines enforcement:
- Section 53 of the Act should be amended so that a warrant for commitment authorising imprisonment is not an option for enforcing payment of fines.
 - Alternatively, section 53 should be amended to provide that where imprisonment is an option, the imprisonment must be subject to a hearing in the Magistrates Court and determined by a Magistrate who should be authorised to make orders other than imprisonment if he or she deems it appropriate.
 - The pending reforms outlined by the Justice Ministers' Working Group concerning the following measures should be given a high priority for consideration by Parliament, with a view to providing alternatives to incarceration through legislative reform:
 - Increasing out of court options for low level offenders;
 - Reviewing processes for incarceration under the fines enforcement and recovery process;
 - Considering alternatives for avoiding detention and incarceration or suspects and court remanded prisoners; and
 - Introducing community work orders and expanding the use of work and development orders, as alternatives to incarceration.
25. Further, mandatory sentencing laws almost certainly magnify the problem of incarceration of Aboriginal people.¹¹ It is

¹¹ Chief Justice Wayne Martin AC (WA), 'Indigenous incarceration rates: Strategies for much needed reform' (Speech delivered at the Western Australian Law Summer

reasonably apparent that mandatory sentencing and three-strikes policies, for example, disproportionately impact on Indigenous youths. For example:

Research indicates that 81% of the juveniles dealt with under the laws [in Western Australia] are Aboriginal, and there is clear evidence that Aboriginal youth are less likely to access diversionary options and more likely to be processed through the courts than non Aboriginal youths.¹²

26. There is also little evidence that mandatory sentencing is effective in reducing crime or improving community safety.
27. Laws and legal frameworks that inform decisions to hold or keep Indigenous Australians in custody such as those referred to above should therefore be specifically included in the terms of reference.

Access to and adequate resourcing of Aboriginal and Torres Strait Islander services

28. In conducting its Inquiry, the Law Council recommends that access to services be a distinct issue for consideration. In this manner, issues such as the availability of, and access to, legal assistance, the availability and access to Indigenous language and sign interpreters, as well as adequate funding for Aboriginal and Legal Aid services and specialist social support services for Indigenous communities may be properly examined. The Inquiry should also having regard to general cuts to legal aid funding, and in particular the practical difficulties faced by Indigenous people in remote areas in obtaining appropriate legal advice. Unless there is adequate access to services, the rate of Aboriginal and Torres Strait Islander people that are incarcerated will continue to rise.
29. The Law Council and New South Wales Bar Association also recommend that the ALRC consider the extent laws and legal frameworks are adequately equipped to provide culturally appropriate engagement with Indigenous offenders and communities.

Integrated Service Models

30. Incarceration has major health implications and there is increasing evidence that many people in prison are there as a direct consequence of inadequate health and social services, notably in areas of housing, mental health, drug and alcohol rehabilitation, disability and the effects of family violence.

School 2015, 20 February 2015) 14

<http://www.supremecourt.wa.gov.au/_files/Speeches_Indigenous_Incarceration_Rates.pdf>

¹² Neil Morgan, Harry Blagg and Victoria Williams, (2001) *Mandatory sentencing in Western Australia & the impact on Aboriginal youth*, Aboriginal Justice Council. Available here: <http://www.indigenousjustice.gov.au/db/publications/253540.html>

As noted in Jesuit Social Services recent *State of Justice* report, currently half of the prison population have various mental health conditions.¹³ In 2006, the Australian Medical Associations *Indigenous Health Report Card* called on the Australian Government to 'keep out of prison those who should not be there, principally those with mental health and substance abuse disorders'.¹⁴ Following this, the Australian Medical Association's 2015 Report Card recommended that the Australian government adopt an integrated approach to reducing imprisonment rates and improving health through much closer integration of Aboriginal Community Controlled Health Organisations, other services and prisoner health services across the pre-custodial, custodial and post-custodial cycle.¹⁵

31. Integrated legal, health and social services exist in Victoria to some degree. The value of current integrated service models was recognised by the Victorian Royal Commission into Family Violence, who recommended expanding these services as well as creating new ones.¹⁶ The support for integrated services has also been recognised by the recent Infrastructure Victoria Options Paper which noted that 'current service delivery models and infrastructure limit opportunities for integration between justice and human services that can address the causes of crime'.¹⁷ The Victorian Department of Justice Access to Justice Report similarly recommended that the legal assistance sector be structured as an integrated and co-coordinated system that can offer flexibility.¹⁸
32. In light of the strong move towards service integration the LIV recommends that 'integrated services' are included in the terms of reference of the ALRC Inquiry into Indigenous Incarceration.

Indigenous offenders with mental health issues, cognitive impairment of intellectual disability

33. The Law Society of Western Australia has noted that Western Australia has a particularly unsatisfactory regime for dealing with accused persons who are unfit to stand trial, including Aboriginal and Torres Strait Islander people who come into the criminal justice system. The *Criminal Law (Mentally Impaired Accused's) Act 1996* (WA) does not place limits on the period of custody orders for persons detained after being found not

¹³ Jesuit Social Services, *The State of Justice* (2016), 27.

¹⁴ Australian Medical Association, *Undue Punishment? Aboriginal People and Torres Strait Islanders in Prison: An Unacceptable Reality Report Card* (2006), 4.

¹⁵ Australian Medical Association, *Treating the high rates of imprisonment of Aboriginal and Torres Strait Islander peoples as a symptom of the health gap: an integrated approach to both* (2015).

¹⁶ Royal Commission into Family Violence, *Summary and Recommendations* (March 2016), 15.

¹⁷ Infrastructure Victoria, *A Supporting Document for Victoria's 30-Year Infrastructure Strategy: Options Paper* (December 2016), 439.

¹⁸ Victorian Department of Justice and Regulation, *Access to Justice Report and Recommendations* (October 2015).

mentally fit to stand trial. It does not provide for any process of review and the person is detained at the 'Governor's pleasure'. The uncertainty created by the Act can mean that innocent people plead guilty (or are advised to plead guilty) in order to avoid the consequences of unfitness.

Review of health programs

34. The draft terms of reference state the ALRC should have regard to "the availability and effectiveness of programs that intend to reduce Indigenous offending and incarceration". However, the accompanying footnote notes that "...it is not the intention that the ALRC will undertake an independent research or evaluation of existing programs, noting that it falls outside of its legislative responsibilities and expertise."
35. The Law Council and Law Society of New South Wales consider that crimes legislation and the adequacy of health programs and services cannot be looked at independently. Further, recommendations for reforms to diversionary options will not be meaningful without the existence of a strong evidence base to demonstrate their effectiveness.
36. In particular, we note the New South Wales Law Reform Commission's Report 135 *People with Cognitive and Mental Health Impairments in the Criminal Justice System: Diversion*, which states that:¹⁹

Diversion of people with cognitive and mental health impairments generally involves them engaging with a range of providers of treatment and services that have a rehabilitative focus. The relationship between the criminal justice system (police and courts) and the service sector is crucial to effective diversion. Both are complex systems. Effective diversion relies on connecting offenders with the right services and maintaining that connection when problems arise. Understanding and communication between the criminal justice system and services is crucial for diversion to work well. Significant challenges include: the great multiplicity of agencies providing services; different disciplinary understandings; different perspectives on key issues; gaps in the availability of services; and problems of integrating service delivery for people whose needs are complex.

37. The Law Council and Law Society of New South Wales submit that a review of the current health services, especially for mental health and drug and alcohol issues, should be undertaken alongside the ALRC Inquiry. This will enable policy-makers to

¹⁹ New South Wales Law Reform Commission, *Report 135: People with Cognitive and Mental Health Impairments in the Criminal Justice System: Diversion* (June 2012), xv, accessed at: <http://www.lawreform.justice.New South Wales.gov.au/Documents/Publications/Reports/Report-135.pdf>.

understand the full picture in relation to the availability of diversionary options and alternatives to imprisonment, as well as the availability of programs in prisons.

Vulnerable position of Aboriginal women and girls

38. In order for the ALRC Inquiry to develop effective options for reducing Indigenous incarceration, it is critical that the ALRC investigate the causes and consequences of incarceration of Aboriginal and Torres Strait Islander women.
39. This cohort is the fastest growing prison population across the nation.²⁰ In New South Wales, for example, there has been a 134% increase in the number of Aboriginal women in prison from 1996 to 2015.²¹ The terms of reference should acknowledge this fact and seek to explore as a stand-alone matter what issues may be specifically impact Aboriginal women. Such issues include for example: their increased likelihood of being victims of family violence; their interaction with the child protection system; their experiences of poverty and disadvantage; and how these causal factors might be addressed.
40. The disproportionate and rapidly increasing rates of Indigenous women's incarceration should be considered as a key priority of the ALRC's Inquiry.

Location of juvenile detention centres

41. The Law Council and Law Society of Western Australia note that the only juvenile detention centre in Western Australia is located in Perth. The Department of Corrective Services has reported that, as at 31 March 2016, 72% (106 out of 148) of the young people held at the youth detention centre are of Aboriginal and Torres Strait Islander heritage.²² Many of these young people will come from remote communities and in a State as vast as Western Australia, it can be impossible to receive visits from family and friends. This places significant hardship on Aboriginal or Torres Strait Islander juveniles in detention.

Lack of access to identification documents

42. Lack of access to identification documents can be a significant problem for some Aboriginal and Torres Strait Islander people. This has flow on effects with, for example, the ability to obtain a driver's licence, which can then lead

²⁰ See, e.g. Australian Institute of Criminology, *Indigenous Women's Offending Patterns: A Literature Review* Research and Public Policy Series 107 (2010), 8.

²¹ Women in Prison in NSW Fact Sheet, available at <https://sydney.edu.au/law/criminology/documents/Factsheet.pdf>

²² Western Australia Department of Corrective Services, *Young People in Detention Quick Reference Statistics - 31 March 2016*, available at http://www.correctiveservices.wa.gov.au/_files/about-us/statistics-publications/statistics/2016/quick-ref/201603-qrs-youth-custody.pdf 2.

to charges for driving without a licence and possible subsequent incarceration.

Additional reports to consider

43. In undertaking this reference, the Law Council, New South Wales Bar Association and Law Society of South Australia and LIV support the list provided in its draft consultation of the terms of reference and recommend adding the following reports for consideration:
- (a) Volume 5 of the report by the *Victorian Royal Commission into Family Violence* (2016);
 - (b) The ALRC's report, *Recognition of Aboriginal Customary Laws* (ALRC Report 31) (1986);
 - (c) Jesuit Social Services, *Dropping Off the Edge* (2015);
 - (d) Jesuit Social Services, *State of Justice Position* (2016)
 - (e) Australian Medical Association, *Report Card* (2015)
44. It is critical that the body of previous reports and inquiries, since at least the 1970s, relating to Aboriginal incarceration and criminal justice which make recommendations that have not been adopted or incorporated into legislation or policy, for part of the review of the ALRC with a view to the ALRC advising on the effect of such recommendations not having been adopted and whether these previous reports and inquiries comprise recommendations for reform which remain valid and purposeful to adopt and implement.
45. We note that the over-representation of Indigenous prisoners is a long standing issue and has been the subject of extensive research and numerous inquiries. While the Law Council, the Law Society of South Australia and the New South Wales Bar Association welcomes the Inquiry, we are concerned that the Inquiry may result in some stakeholder deferring taking action to address this over-representation, pending the report of the Inquiry.
46. As such, it is imperative that all reasonable steps are taken by the ALRC to give priority to the Inquiry and meet its deadline of 15 December 2017.

Consultation

47. The Law Council acknowledges the Inquiry's intention to consult with relevant stakeholders. In particular, the ALRC should undertake consultations directly with Indigenous community members, in regional areas across Australia.
48. Law Council Constituent Bodies, such as the Law Society of New South Wales's Indigenous Issues Committee, have previously

facilitated consultations directly with community members for State based Parliamentary inquiries. The Law Council and its Constituent Bodies would be happy to facilitate similar consultations for this Inquiry, should it assist.