



ATTORNEY-GENERAL
MINISTER FOR JUSTICE

Parliament House
State Square
Darwin NT 0800

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Darwin NT 0801

AG - RECEIVED

Priority A (Date)

Priority B

Priority C

Information

App. Action

NFA

Invitation

Refer to

27 JAN 2017

Reply by PS

Sub Required

Reply by CoS

Reply by Dept

Action Area:
LAB

Init: AP

Date: 27/1

Senator the Hon George Brandis QC
Attorney-General
Parliament House
CANBERRA ACT 2600

Dear Attorney-General

George

Thank you for the opportunity to comment on the draft terms of reference for the Australian Law Reform Commission's (ALRC) inquiry into the incarceration rate of Indigenous Australians.

The Northern Territory Government supports the inquiry and the proposed terms of reference. However, there are some specific matters with particular reference to the Northern Territory that should to be brought to the Commission's attention.

These include:

- Acknowledgement of Northern Territory's large, dispersed Indigenous population with the majority of Indigenous communities located in regional, rural and remote and Islander settings, noting the specific considerations and challenges this presents for service delivery and consultation, in particular as the additional costs and time frames required to engage effectively with Aboriginal and Torres Strait Islander people.
- The need to engage cultural brokers and interpreters in order to allow the delivery of a culturally competent and secure process for consultation.
- Exploration of traditional and cultural laws and their interrelationship with the current Australian legal systems.
- Consideration of gender and its relationship with offending behaviour, including includes the availability and effectiveness of specific gender related programs.
- Acknowledgment and consideration of a person's pathways from a victim, to perpetrator as often seen in family and domestic violence cases.

- Offending and incarceration considerations should not exclude custody episodes that relate to medical issues, noting that not all incarcerations from a law enforcement perspective are as a result of offending. For example, this can include custody episodes for protective custody or to meet the requirements that exist within the Northern Territory under Alcohol Mandatory Treatment programs.

The Northern Territory Government looks forward to working with the Australian Government throughout the ALRC inquiry and other parallel reviews and reports that are currently underway, including the Royal Commission into the Protection and Detention of Children in the Northern Territory, the Prison to Work Report, the Senate Standing Committee on Indigenous Affairs inquiry into the harmful use of alcohol in Aboriginal and Torres Strait Islander Communities, and the National Action to Reduce Violence against Women and Children 2010-2022.

If you have any questions regarding the feedback, please contact Ms Leanne Liddle, Director Aboriginal and Torres Strait Islander Unit by telephone on [REDACTED] or via email address [REDACTED]

Yours sincerely



NATASHA FYLES

20 JAN 2017