

Attorney-General
Minister for Justice
Minister for Corrections
Minister for the Arts
Leader of the Government in the Legislative Council



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17 JAN 2017

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

AG - RECEIVED	
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<input type="checkbox"/> Invitation	Action Area: <u>LAB</u>
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20 JAN 2017

Dear Attorney-General

Australian Law Reform Commission Inquiry into Incarceration Rates of Indigenous Australians – Draft Terms of Reference

Thank you for your letter seeking the Tasmanian Government's comments in relation to the Australian Government's draft Terms of Reference for the Australian Law Reform Commission (ALRC) Inquiry into the Incarceration Rate of Indigenous Australians.

As noted in your letter, state and territory governments have primary responsibility for criminal justice laws and frameworks and many of the matters specified in the draft Terms of Reference fall within Tasmania's jurisdiction. I anticipate that the Inquiry would take into account the different legal frameworks and resources of each jurisdiction and that Tasmania will consider the recommendations of the Inquiry in the context of our particular legal framework.

The draft Terms of Reference also ask the ALRC to identify and consider a range of other reports, inquiries and action plans including the current Royal Commission into the Protection and Custody of Children in the Northern Territory (now extended to 1 August 2017). The broad scope of the draft Terms of Reference and the relatively short time frame, with the report due by 15 December 2017 may impact on its delivery.

Fundamentally the criminal law applies universally to members of the community regardless of cultural background. The reason why Indigenous Australians are overrepresented in prison populations are complex and the Tasmanian Government looks forward to the findings of the Inquiry in due course.

The Tasmanian Government also notes that the work that the Inquiry undertakes will have a relationship to the Council of Australian Government's Aboriginal Affairs agenda, including *Prison to Work*, and state and territory efforts to *Close the Gap*.

Thank you for providing the Tasmanian Government with the opportunity to comment on the draft Terms of Reference.

Yours sincerely



Dr Vanessa Goodwin MLC
Attorney-General
Minister for Justice