



ATTORNEY GENERAL; MINISTER FOR COMMERCE

Our Ref: 44-25042
Your Ref: MS16-018050

Senator the Hon. George Brandis QC
Attorney-General
Senate
Parliament House
PO Box 6100
CANBERRA ACT 2600

AG - RECEIVED	
<input type="checkbox"/> Priority A (Date	<input type="checkbox"/> Reply by AG
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<input type="checkbox"/> Invitation	Action Area: <u>LAB</u>
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	Date: <u>23/1</u>

George

Dear Attorney-General

INQUIRY INTO THE INCARCERATION RATE OF INDIGENOUS AUSTRALIANS

Thank you for your letter received 12 December 2016 regarding the draft terms of reference for an inquiry in the incarceration rate of Indigenous Australians.

I am supportive of the Commonwealth Government's inquiry, and the proposed terms of reference for the Australian Law Reform Commission in general. However, there are a number of additions that I recommend are considered:

- The draft the terms of reference would benefit from the inclusion of a statement that directs the Commission to undertake the review in a manner which acknowledges Indigenous culture and respects the views and expertise of the various stakeholder groups. The terms of reference do not currently include a consideration of any differences that may arise across specific cultural groups.
- The draft terms of reference should include specific reference to the difference in incarceration rates experienced by women or those with mental health issues.
- Consideration should be given to the inclusion of geography and the availability and accessibility of community infrastructure. This is particularly important for Western Australia, given the number of Indigenous Western Australians who live in regional and remote areas and the impact this may have on a number of issues, such as bail, likelihood of community-based sentence instead of imprisonment, access to treatment and programs, distance to prison from their home, and access to parole.

Due to the short timeframe in which to provide you with a response, thorough consultation and Ministerial endorsement from other Western Australian Ministers and departments has not been possible. However, all Western Australian departments contacted welcome and support the inquiry.

I encourage the Australian Law Reform Commission to include the Western Australian Aboriginal Advisory Council on their list of stakeholders during the inquiry.

Yours sincerely

A handwritten signature in blue ink, appearing to read "M Mischin". The signature is stylized with a large, circular initial "M" and a cursive "Mischin".

Hon. Michael Mischin MLC
ATTORNEY GENERAL; MINISTER FOR COMMERCE

18 JAN 2017