

# Just In Time



Photo: InDaily, Adelaide - AAP Image/NEWZULU/RICHARD MILNES

The ***Uluru Statement from the Heart*** is a demand that Aboriginal and Torres Strait Islander Australians be heard and sets a way forward that invites all Australians to create our future together.

The statement highlights shocking rates of Indigenous imprisonment:

"Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people."

"And our youth languish in detention in obscene numbers. They should be our hope for the future."

## Ways that we know reduce Indigenous incarceration

### 1. Establish more solution focused courts that use 'Circle Sentencing'.

Elders are involved in every step of the sentencing process and offenders are supported not to re-offend.

### 2. Bring flexibility into sentencing regimes.

An impoverished Indigenous offender in a remote community that has unpaid fines should not be subject to mandatory sentencing laws that result in incarceration.

### 3. Resource our justice system adequately.

High quality and culturally competent legal assistance services are critical to ensure access to justice for Aboriginal and Torres Strait Islanders and to reduce imprisonment.

### 4. Get serious about justice reinvestment.

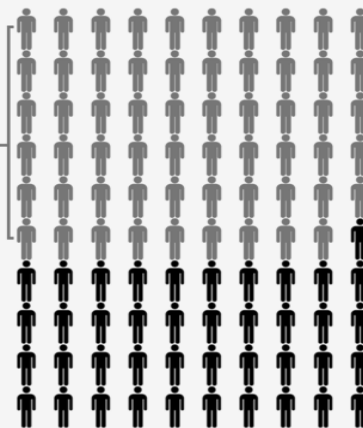
Take some of the millions spent on incarceration and apply it to prevention.

## Indigenous youths in juvenile detention

One of the factors affecting the higher proportion of Indigenous Australians in prisons is the way juvenile offenders are treated by the justice system.

59%

of people in juvenile detention are Indigenous



Source: AIC  
Icons: Freepik

Young Indigenous people in juvenile detention are **74%** more likely to end up in adult prisons than those who are diverted into alternative forms of rehabilitation.

And Indigenous children are **26** times more likely to be in juvenile detention than non-Indigenous children.



The above graphic is from an article by Thalia Anthony 'Data gaps mean Indigenous incarceration rates may be even worse than we thought' in *The Conversation* July 27, 2016. See other graphics included in the article, [here](#).

**"Statistics don't necessarily solve problems but there is an adage: what gets measured gets done."** (Thalia Anthony)

## Justice Reinvestment – *Backing Bourke*

Justice Reinvestment is a positive policy solution that aims to address the underlying causes of crime and improve outcomes for both individuals and communities.

The policy diverts funds from the prison system into diversion and prevention practices that is informed by data and driven by community. There are two pilot sites in NSW – Bourke and Cowra.

[The Maranguka Justice Reinvestment Project](#) featured on *ABC TV Four Corners* on 15 September 2016. '[BACKING BOURKE](#)' explores the [first major justice reinvestment trial in Australia](#) and asks the question, is this the way forward? [Click here to watch.](#)

**“When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.”**

Uluru Statement from the Heart

## Parramatta Children’s Court – Youth Conferencing

A scheme which is called “circle sentencing” in NSW tries to avoid jail time for Aboriginal offenders. The term ‘circle sentencing’ stems from a circle of representatives sitting together and trying to decide a sentence which does not include a jail term.

Representatives are mainly Aboriginal Elders, but also members of the prosecution or police and a magistrate. The circle will also talk about the background and effects of the offence and can involve meeting the victim.

The sentence, where possible, involves community work. Community partners include the NRL and there is a focus on creating long-term employment and education opportunities.

“With regard to prisoners, it would appear that in many cases practical measures are urgently needed to improve their living conditions, with particular concern for those detained while awaiting trial.

It must be kept in mind that penal sanctions have the aim of rehabilitation, while national laws should consider the possibility of establishing penalties other than incarceration.”

**Pope Francis - World Day of Peace 15 December 2015**

## Closing the Gap needs justice targets

“... as long as the issue of over-representation of indigenous peoples in custody is not addressed in practice and continuously monitored, there will only be limited progress in closing the gap in the areas of health, education and employment.

“I therefore strongly recommend the **inclusion of targets on justice in the Closing the Gap strategy** and the development and implementation of a national plan of action to address these issues.”

UN Special Rapporteur, Victoria Tauli-Corpuz visited Australia to examine the human rights situation of Aboriginal and Torres Strait Islander People, 20 March - 3 April 2017

## “TO DO” LIST

- **Pledge to Change the Record – [ANTaR NSW](#)** has a campaign petition calling on all levels of government to:
  - Invest in early intervention, prevention and diversion strategies, which address the root causes of violence and imprisonment
  - Work in partnership with Aboriginal and Torres Strait Islander people, communities, services and their representatives, to develop and implement solutions.

**READ MORE & SIGN UP [HERE](#)**

- **Promote [Just Reinvest NSW](#)** – Giving kids a life not life in prison #JustKids #JustReinvest

By raising your voice, you’ll have the opportunity to meet new people and take part in a range of activities such as:

- writing to and meeting your local MP
- promoting Just Reinvest NSW and justice reinvestment online
- engaging your local community in the need for justice reinvestment
- engaging with local media.

**Just Reinvest NSW** has [online](#) resources to help you: [A Fact Sheet](#) ; [A Q&A](#) ; [Supporter Kit](#)

- Aboriginal Elders and community staff that are involved in the circle sentencing and community justice initiatives welcome support and look for more government funding and involvement of new community partners.