



**Office of the Hon Gabrielle Upton MP**  
Attorney General

Sr Margaret Hinchey RSM  
Conference of Leaders of Religious Institutes in NSW -  
(CLRInsw)  
Social Justice Committee  
PO Box 259  
ROSEBERY NSW 1445

IM15/09167  
FILE10/001995  
MATTER15/001533

Dear Sr Hinchey

I refer to your correspondence to the Premier raising concerns about the increasing prisoner population in NSW, in particular, the women of Aboriginal background. The Premier forwarded your correspondence to the former Attorney General, the Hon Brad Hazzard MP.

I acknowledge your concerns about the effects of imprisonment on the families of those who are sentenced to a jail term, especially their children. I have noted your suggestion to use rehabilitation and other diversionary programs instead of terms of imprisonment as alternative sentences for less serious crimes.

In terms of sentencing, it is the courts that determine the appropriate penalty in any particular case after weighing and balancing the individual facts of each case.

Before sentencing an offender to a term of imprisonment, especially when dealing with young offenders, after considering all mitigating factors including the person's character and prospects of rehabilitation, the judicial officer must be satisfied that there is no other suitable or appropriate option available. These options can include a caution, a good behaviour bond, community service order, Intensive Correction Orders, home detention, fines and diversionary programs such as the NSW Drug Court. Imprisonment is only used as a last resort.

Corrective Services NSW (CSNSW) considers women in custody to be a high needs population and recognises the impact of incarceration on female inmates, particularly as they are more likely to be parents than male inmates. Therefore, CSNSW is working with relevant groups, including the Law Reform Commission, to raise attention to alternative sentencing options for them.

In relation to Aboriginal offenders, correctional centres are provided support through Regional Aboriginal Program Officers, as well as elders and mentors for specific needs/occasions. One of the programs offered by the CSNSW for female offenders include the mothers and babies program which allows inmates to have their young children live with them in custody at Emu Plains Correctional Centre.

In addition, the Department of Justice has a number of rehabilitative, therapeutic justice programs in operation including the Magistrate's Early Referral Into Treatment (MERIT) program, the Court Referral of Eligible Defendants Into Treatment (CREDIT) program, Life on Track, and Youth on Track.

The Department of Justice is also implementing a number of actions to address the over-representation of Aboriginal people in the criminal justice system in NSW. Action is aligned with the NSW State Government Plan NSW 2021 and the NSW Aboriginal Justice Plan and focuses on reducing contact with the criminal justice system.

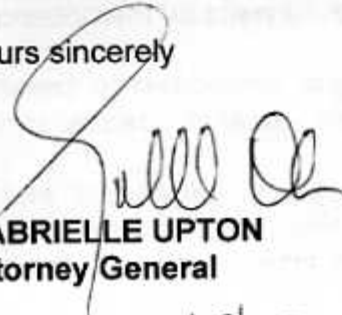
Aboriginal Community Justice Groups also have an important role in Circle Sentencing, which is an alternative sentencing process for adult Aboriginal offenders. It is currently employed in twelve locations throughout New South Wales, with a view to expand in other locations in the future.

Elders and respected community members are also able to assist selected Police Local Area Commands (LACs) in issuing cautions to Aboriginal youth. Training has been developed in partnership with the NSW Police Force, and delivered to 100 participants to date, mostly members of Aboriginal Community Justice Groups from across NSW.

Other programs aimed to address the over-representation of Aboriginal people in the criminal justice system include the Safe Aboriginal Youth (SAY) program and the court-based Aboriginal Client Services Specialist (ACSS) program.

Thank you again for taking the time to raise your concerns about this issue. I trust the information provided is of assistance to you and the CLRInsw Social Justice Committee.

Yours sincerely



**GABRIELLE UPTON**  
Attorney General

7/5/15