

Plan for indigenous to serve jail time at home



Don Weatherburn is director of the NSW Bureau of Crime Statistics and Research.

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- Stephen Fitzpatrick

A NSW Bar Association proposal for special indigenous courts has received a boost with new data on high incarceration rates, but the person behind that data, criminologist Don Weatherburn, said any revised system must come with adequate resourcing “to address the causes of offending”.

The research by Dr Weatherburn, director of the NSW Bureau of Crime Statistics and Research, documents a rapid rise in the state’s Aboriginal and Torres Strait Islander incarceration rate, with numbers growing by 25 per cent between 2013 and last year.

He recommended that as the majority were likely to be eligible for home detention and intensive correction order sentences, an increased use of these options could see incarcerations drop by 500 each year.

The association’s Walama Court proposal, taking its name from an Eora word meaning “to return”, is before the Attorney-General, Mark Speakman, who yesterday described indigenous incarceration rates as “disproportionate and concerning”.

The court, operating at the district court level, would include elements of Victoria’s Koori Court and the NSW Drug Court.

Bar association president Arthur Moses SC said it would have “the jurisdiction to impose specific non-custodial options having regard to its own specialist expertise and

the circumstances of individual offenders” and in that sense was similar to Dr Weatherburn’s call for greater use of non-custodial terms.

Dr Weatherburn said it was important not to throw resources “willy nilly” at the problem, and identified four key issues to be solved that were beyond the scope of the justice system: drug and alcohol abuse, child neglect and abuse, unemployment rates and education. “Long-term, that’s the obvious thing to do,” he said.