

Aboriginal Incarceration Working Group Report Quarter 4 | October to December 2020

1. Meeting of members of the Aboriginal Incarceration Working Group

The working group met on 5 November 2020 and was chaired in my absence by Scott Hawkins. The following member organisations attended the meeting: Legal Aid NSW (Acting Chair); the Aboriginal Legal Service (also representing the Law Society of NSW), Community Legal Centres NSW, Just Reinvest, the NSW Department of Communities and Justice and the Public Interest Advocacy Centre (PIAC).

2. PIAC Guide to bail enforcement conditions

With thanks from members, a final Guide to bail enforcement conditions under the *Bail Act 2013* (NSW) and prepared by PIAC was shared with the group. The group endorsed distribution of the valuable resource by members to lawyers and court support workers.

3. Update on implementation of recommendations from Bail Conditions Workshop

As outlined previous reports, the recommendations and interventions designed by working group members in the bail workshops that took place in late 2019 and early 2020 have been endorsed by the Criminal Justice Board. However, due to the significant impact that COVID-19 has had on the bail system, planning and implementation of those recommendations is on hold. When turning to planning and implementation it is envisaged that the Criminal Justice Board will consult members who participated in the bail workshops on steps to resource, plan and implement those recommendations.

4. Working group objectives and next steps

The working group commenced in February 2019 with the following objectives:

1. To identify the key factors and drivers of breaches of conditional liberty.
2. To develop strategies and plans to reduce breaches of bail.
3. To develop strategies and plans to ensure appropriate conditions of orders.
4. To develop strategies and plans to address any other key drivers identified.

The term of operation of the working group was 12 months, with an option to review and refine the Terms of Reference. In my view these objectives have been achieved and the working group should pause while implementation of its recommendations is on hold. However, at the fourth quarter meeting member organisations suggested the group should continue, with revised Terms of Reference, with a view to: monitoring implementation of the bail conditions recommendations; developing strategies to progress implementation; and monitoring implementation of the Close the Gap targets. I propose that there be discussion at the Plenary Group meeting in order to canvass: whether the group should continue with revised objectives to meet this monitoring role; and, if so, which member organisation will Chair and coordinate new or revised Terms of Reference.

5. Next meeting

A tentative meeting date of 18 February 2021 has been set, with the 2021 schedule subject to resolution of the next steps for the working group.

Brendan Thomas | **Chair, Aboriginal Incarceration Working Group**
November 2020