OVER-REPRESENTATION OF INDIGENOUS WOMEN IN AUSTRALIAN PRISONS: A CONSIDERATION OF THE CONTRIBUTING FACTORS

INTRODUCTION

Since the conclusion of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) in 1991 there has been a significant rise in the prison population of Indigenous peoples in Australia. There has been an even sharper rise in the number of Indigenous peoples in custody. While all Indigenous peoples are over-represented in the Australian prison system, the rate of incarceration of Indigenous women is noticeably higher\(^1\) and is increasing at a more rapid rate.\(^2\) The Aboriginal and Torres Strait Islander Social Justice Commissioner noted that “Aboriginal women remain largely invisible to policy makers and program designers with very little attention devoted to their specific situation and needs.”\(^3\)

This paper will address the factors which contribute to and the concerns raised by the unacceptably high risk of incarceration of Indigenous women in Australia. It will be divided into four main sections:

1. An overview of the plight of Indigenous women currently in custody and the repercussions of this status quo;

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1 Kate Kerley and Chris Cunneen, ‘Deaths in Custody in Australia: The Untold Story of Aboriginal and Torres Strait Islander Women’ (1994) 7(1) Canadian Journal of Women and the Law 531, 533.

2 Margaret Cameron, ‘Women Prisoners and Correctional Programs’ (Trends & issues in crime and criminal justice No 194, Australian Institute of Criminology, 2001), 1.

2. a discussion of the victimisation suffered by Indigenous women and the need for nuanced rehabilitation programs which focus on the specific needs of Indigenous women;
3. a critique of the selective policing of Indigenous-heavy communities and current court practices which have produced disparity in bail and sentencing; and
4. a brief analysis of the cost of incarceration vs. the cost of rehabilitation.

Each section will describe the issue at hand in detail and provide one or more potential avenues by which the issue may be ameliorated.

It should be noted that many of the issues raised in this paper apply to Indigenous offenders at large. The following analysis has been undertaken with Indigenous, adult females in mind. However, much of the content, particularly the recommendations made at the conclusion of each analysis, could be utilised to reduce the incarceration of both Indigenous men and women, as well as that of both Indigenous and non-Indigenous peoples.

1. THE PLIGHT OF INDIGENOUS WOMEN CURRENTLY IN CUSTODY

Lack of awareness

The problem is largely due to the dearth of literature on this issue. The final report published as part of the RCIADIC\(^4\) is still the most detailed analysis of Indigenous people’s interaction with the criminal justice system in recent history but the report fails to specifically discuss women in much detail. It also fails to make any specific recommendations regarding Indigenous women.\(^5\) Of the 99 deaths investigated, only 11 were the deaths of women.


Incarceration rate of Indigenous women

Indigenous women currently maintain the highest rate of incarceration of any demographic in Australia. The imprisonment rate of Indigenous women is almost 17 times higher than that of the general female population. Comparatively, the rate of Indigenous men is 13.4 times higher than non-Indigenous men.6

Over the decade following the conclusion of the RCIADIC, the incarceration rate of women generally has increased more rapidly than that of men. The prison populations from 1991,7 20018 and 20139 are juxtaposed below.

<table>
<thead>
<tr>
<th></th>
<th>1991</th>
<th>2001 (increase from 1991)</th>
<th>2013 (increase from 2001)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Men</td>
<td>12,429</td>
<td>20,960 (68.7%)</td>
<td>28,426 (35.6%)</td>
</tr>
<tr>
<td>Women</td>
<td>607</td>
<td>1,498 (146.7%)</td>
<td>2,349 (56.8%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>1991</th>
<th>2001 (increase from 1991)</th>
<th>2013 (increase from 2001)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indigenous Women</td>
<td>104</td>
<td>370 (255.8%)</td>
<td>775 (109.5%)</td>
</tr>
<tr>
<td>Non-Indigenous Women</td>
<td>503</td>
<td>1,128 (124.3%)</td>
<td>1,558 (38.1%)</td>
</tr>
</tbody>
</table>

7 Cameron, above n 2.
8 Australian Bureau of Statistics 2002, Prisoners in Australia, cat. no. 4517.0 Canberra: ABS.
9 Australian Bureau of Statistics 2013, Prisoners in Australia, cat. no. 4517.0 Canberra: ABS.
These figures, which span over the course of over two decades, highlight the alarmingly higher rate of incarceration of Indigenous women than any other group in Australia.

Community safety

Indigenous women generally serve shorter sentences than their non-Indigenous counterparts. The significantly shorter median period of incarceration of Indigenous women suggests they are being imprisoned for minor offences, particularly public order offences. This will be discussed in more detail later as part of the analysis of judicial inequality. It is, however, important to note that despite their growing prison population in Australia, Indigenous women are not the most criminally intelligent or violent population from whom the wider community needs to be protected.

Recidivism rates

A significant contributing factor to the Indigenous female population is their high rate of recidivism. Data indicates that 76% of all Indigenous prisoners had been previously imprisoned. NSW data indicated Indigenous women (85%) were more likely to have previously been imprisoned than Indigenous men (71%). 98% of the Indigenous women surveyed had a previous conviction during their adulthood and 26% had 15 or more prior convictions.

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10 Lorana Bartels, ‘Indigenous women’s offending patterns: A literature review’ (Research and Public Policy Series No 107, Australian Institute of Criminology, 2010), 1.


12 Ibid.
Unique repercussions of female incarceration

Statistically speaking, the incarceration of Indigenous women places the community at a greater disadvantage. At least 80% of Indigenous female prisoners are believed to have dependent children\(^{13}\) or other guardian obligations prior to sentencing.\(^{14}\) Furthermore, female offenders are heavily influenced by their responsibilities and concerns for their dependent children.\(^{15}\) The failure of sentencing judges to take into account the offender’s familial responsibilities perpetuates further issues of family breakdown. Due to the small number of female correctional facilities around Australia, Indigenous females are often detained in centres geographically inaccessible to their children.\(^{16}\) This occasions further criminal conduct and the victimisation of children,\(^{17}\) with one study demonstrating that the children of inmates are up to five times more likely than other children to be incarcerated during their lifetime.\(^{18}\)

2. VICTIMISATION

The victimisation of Indigenous women is a significant factor in their offending. Victimisation can refer to alcohol/drug addiction, family breakdown, or sexual, psychological


\(^{14}\) Dot Goulding, Severed Connections: An exploration of the impact of imprisonment on women’s familial and social connectedness (Centre for Social and Community Research, Murdoch University, 2004), 29-30.

\(^{15}\) Julian Elliott Thomas (2010), Diversion and support of offenders with a mental illness: Guidelines for best practice, Melbourne: Victorian Government Department of Justice, 10.


and physical abuse. The relationship between victimisation and offending is discussed below. Immediately following this discussion is an inquiry into the need for rehabilitation programs specific to the needs of Indigenous women. As these analyses are inextricably linked, the pertaining recommendations will be made following both analyses.

**Tobacco consumption**

The 2004-2005 National Aboriginal and Torres Strait Islander Health Survey (NATSIHS) provides detailed findings on the health status of the Australian Indigenous population. NATSIHS showed 50% of Indigenous adults were daily smokers. For both men and women, smoking was considerably more prevalent among Indigenous than non-Indigenous adults in all age groups:

<table>
<thead>
<tr>
<th></th>
<th>18-24</th>
<th>25-34</th>
<th>35-44</th>
<th>45-54</th>
<th>55 and over</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Indigenous Men</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>50%</td>
<td>56%</td>
<td>57%</td>
<td>50%</td>
<td>35%</td>
</tr>
<tr>
<td><strong>Non-Indigenous Men</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>29%</td>
<td>29%</td>
<td>29%</td>
<td>25%</td>
<td>14%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>18-24</th>
<th>25-34</th>
<th>35-44</th>
<th>45-54</th>
<th>55 and over</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Indigenous Women</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>51%</td>
<td>54%</td>
<td>54%</td>
<td>51%</td>
<td>26%</td>
</tr>
<tr>
<td><strong>Non-Indigenous Women</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>23%</td>
<td>23%</td>
<td>23%</td>
<td>20%</td>
<td>9%</td>
</tr>
</tbody>
</table>

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19 Australian Bureau of Statistics (ABS) 2004-2005, *National Aboriginal and Torres Strait Islander Health Survey*, cat. no. 4715.0 Canberra: ABS.
The National Drug Strategy Household Survey found that “lower socioeconomic status appeared to be related to higher levels of smoking. Smoking rates were also higher in rural and remote areas and among Aboriginal and Torres Strait Islander peoples.”\textsuperscript{20} The data above shows Indigenous women were more than twice as likely as non-Indigenous women to be current daily tobacco users.

**Alcohol consumption**

NATSIHS provides an analysis of the drinking levels of Australians. The following data represents the number of Indigenous and non-Indigenous people who engaged in high risk* alcohol consumption. Each age group consisted of 100 Indigenous and 100 non-Indigenous participants. It should be noted that the consumption levels were representations of how much alcohol was consumed the week prior to interview and it was assumed that this represented a typical week.

NATSIHS concluded that Indigenous adults were “more likely to consume alcohol at risky or high-risk levels for harm in the short term.” The 2004 National Drug Strategy Household Survey shows that Indigenous Australians were more likely than other Australians to consume alcohol at risky or high-risk levels for harm in both the short and the long term.

**Illicit substance use**

The table below sets out the proportion of Indigenous and non-Indigenous detainees participating in the Drug Use Monitoring in Australia (DUMA) program who tested positive to certain illicit substances.

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Indigenous Men</th>
<th>Non-Indigenous Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-24</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>25-34</td>
<td>11</td>
<td>8</td>
</tr>
<tr>
<td>35-44</td>
<td>13</td>
<td>6</td>
</tr>
<tr>
<td>45-54</td>
<td>14</td>
<td>7</td>
</tr>
<tr>
<td>55 or more</td>
<td>8</td>
<td>5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Indigenous Women</th>
<th>Non-Indigenous Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-24</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>25-34</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>35-44</td>
<td>11</td>
<td>2</td>
</tr>
<tr>
<td>45-54</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>55 or more</td>
<td>3</td>
<td>1</td>
</tr>
</tbody>
</table>

*: High risk denotes an average daily alcohol consumption of 75ml or more for men, 50ml or more for women.

21 Ibid.


Indigenous people were more likely to use illicit substances compared to non-Indigenous people at the time of offending. This was especially true for cannabis consumption.

**Link between substance abuse and offending**

Although causation between substance abuse and offending is yet to be proven, there is a correlation between the two. In a survey of female prisoners in Western Australia, 67% of women reported a link between their substance abuse and offending behaviour; 41% reported they were under the influence of drugs and/or alcohol at the time of committing the offence; 21% reported committing the offence to obtain money to buy alcohol/drugs; and 16% were supplying or trafficking drugs at the time of the offence.24 The use of inhalants has also been linked to the commission of some property and assault offences.25

Similarly, 17% of Indigenous offenders who participated in DUMA reported that their offences were drug related.26 Indigenous women were more likely than non-Indigenous

<table>
<thead>
<tr>
<th></th>
<th>Cannabis</th>
<th>Benzodiazepines</th>
<th>Methyl Amphetamines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indigenous</td>
<td>72%</td>
<td>24%</td>
<td>29%</td>
</tr>
<tr>
<td>Non-Indigenous</td>
<td>54%</td>
<td>22%</td>
<td>26%</td>
</tr>
</tbody>
</table>


26 Joudo, above n 23, 10.
women to be alcohol-dependent and to be dependent on both alcohol and illicit drugs. A higher percentage of Indigenous women than of non-Indigenous women attributed their criminal activity to the use of alcohol or illicit drugs.

**Family violence and breakdown**

Violence is an issue faced by many Indigenous people. Data from the 2002 National Aboriginal and Torres Strait Islander Social Survey found 24% of ATSI people aged 15 and over reported being a victim of physical or threatened violence in the twelve months preceding the survey. The rate was higher among participants who:

- were between 15 and 24 years of age;
- had been removed from their families;
- lived in low income households; and
- were unemployed.

The survey concluded that Indigenous people faced double the victimisation rate of non-Indigenous people.

Family violence typically occasions family breakdown. In 2003-2004, 8,400 Indigenous females sought assistance from the Supported Accommodation Assistance Program (SAAP) to escape violence. The rate of Indigenous females seeking assistance was 12 times that of

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27 Holly Johnson, ‘Key findings from the Drug Use Careers of Female Offenders study’ (Trends & Issues in crime and criminal justice No 289, Australian Institute of Criminology, 2004), 5-6.

28 Ibid.


30 Ibid.
non-Indigenous females.\textsuperscript{31} Of those who sought SAAP assistance, 95% of Indigenous females were attempting to escape family violence. Women’s offending often develops though relationships with family members and partners rather than peer associates, which is commonly cited as a risk factor for men.\textsuperscript{32} It is important to note that women are often more susceptible to domestic violence due to financial dependence on their partners.\textsuperscript{33}

**Mental illness**

The issue of mental illness will not be discussed in much detail as it is too extensive to do so in its entirety in this paper. However, it is too pertinent to not do so at all. In addition, some of the recommendations to be made on the topic of victimisation relates to mental health so a brief discussion is necessary.

Indigenous people in Australia are twice as likely to experience psychological distress as non-Indigenous people.\textsuperscript{34} Suicide rates of young Indigenous women are 5 times higher than those of non-Indigenous women.\textsuperscript{35} Indigenous women in prison are also more likely than

\textsuperscript{31} Ibid 74.

\textsuperscript{32} Thomas, above n 15, 10.


\textsuperscript{34} Theo Vos, Bridget Barker, Lucy Stanley and Alan Lopez (2007), *The burden of disease and injury in Aboriginal and Torres Strait Islander Peoples 2003*, Brisbane: School of Population Health, University of Queensland.

\textsuperscript{35} Australian Institute of Health and Welfare (AIHW) (2008), *The Health and Welfare of Australia’s Aboriginal and Torres Strait Islander peoples 2008*, Canberra: AIHW.
non-Indigenous women to have a diagnosis of psychosis, depression or obsessive compulsive disorder and have higher levels of psychological distress.\textsuperscript{36}

Current rehabilitation programs

While there are numerous avenues by which to address the aforementioned afflictions, the participation rate in diversion programs is low.\textsuperscript{37} This is because there are gender differences in criminal behaviour and universally applying men’s needs will limit and restrict the treatments available to women.\textsuperscript{38} Culture and gender-sensitive programs in Canada with support focused on healing from elders and traditional teachings have yielded low recidivism rates.\textsuperscript{39}

Recommendations:

Mental illness, substance abuse and trauma are all intrinsically linked to women’s offending patterns. Notably, women maintain higher rates of all three of these factors than men.

1. Conduct a mental health and drug screen upon entering corrections. Based on the results of this screening, inmates should be encouraged to undergo necessary treatment. Treatment should be ongoing, allowing Indigenous health services to have access to inmates.


\textsuperscript{37} Emma, Pritchard, Janette Mugavin and Amy Swan, ‘Compulsory Treatment in Australia: a discussion paper on the compulsory treatment of individuals dependent on alcohol and/or other drugs’ (Research Paper No 14, Australian National Council on Drugs, 2007).

\textsuperscript{38} Fiona Beals, ‘The Invisibility of Women in New Zealand’s Technology Based Penal System’ (2004) 14(2) \textit{Feminism and Psychology} 237.

\textsuperscript{39} Lorana Bartels and Antonette Gaffney, ‘Good practice in women’s prisons: A literature review’ (Technical and Background Paper No 41, Australian Institute of Criminology, 2011), 9.
2. Develop programs to facilitate the integration of Indigenous offenders back into society after their release. These programs should be Indigenous-specific and should focus on preventing inter-generational offending.

3. Expand diversion programs to accept Indigenous people with specialised needs. Programs currently reject applicants who plead not guilty, have mental illnesses, have multiple convictions, or have alcohol or inhalant addiction.

4. Fund diversion programs specific to Indigenous women. These nuanced diversion programs should seek to work collaboratively with existing Indigenous-focused healthcare organisations such as the National Aboriginal Community Controlled Health Organisation (NACCHO).

5. Increase funding for the NSW Drug Court. Currently, limited funding means only offenders who reside in certain areas of NSW are eligible to participate in the Drug Court program. Additionally, there are currently more applicants than program vacancies, leaving many eligible applicants in prison pending their acceptance into a program.

6. Implement Alcohol Courts in every State and Territory.

3. JUDICIAL INEQUALITY

There is a widespread view among Aboriginal people that judicial inequality is a problem in their community. Some even assert provocative methods by police. Judicial inequality occurs in and outside the courtroom.

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Selective policing  
Selective policing has seen Indigenous people more heavily scrutinised for nominal offences such as disorderly conduct.\textsuperscript{42} Crime rates for women appearing in NSW courts in 2001 show Indigenous women are over-represented for public order offences. 2008 data for Western Australia show similar results.\textsuperscript{43}  

<table>
<thead>
<tr>
<th>Year</th>
<th>Indigenous Women</th>
<th>Non-Indigenous Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001 (NSW)</td>
<td>13.2%</td>
<td>5.8%</td>
</tr>
<tr>
<td>2008 (WA)</td>
<td>15.4%</td>
<td>2.8%</td>
</tr>
</tbody>
</table>

In a Victorian study between 1993 and 1997, Indigenous women were found to be significantly more likely than non-Indigenous women to be charged with summary offences such as offensive language, offensive behaviour, or resisting arrest. Furthermore, Indigenous women were more likely to be arrested, while it was more common for non-Indigenous women to receive a caution.\textsuperscript{44}  

The disproportionate use of police move-on and arrest powers against Indigenous people has also been highlighted.\textsuperscript{45} Increased interaction with police typically increases the likelihood of an individual being charged with offences such as resisting arrest or assaulting an officer,  

\textsuperscript{43} Don Weatherburn, Bronwyn Lind and Jiuzhao Hua, ‘Contact with the New South Wales court and prison systems: the influence of age, Indigenous status and gender’ (Crime and justice bulletin No 78, Bureau of Crime Statistics and Research, 2003).  
escalating the charges.

Court procedure, sentencing and bail

Indigenous offenders are susceptible to incarceration for trivial matters such as not receiving court mail and failing to appear,\textsuperscript{46} being unable to attend due to health reasons,\textsuperscript{47} or being unable to pay fines.\textsuperscript{48} Indigenous women were more likely than non-Indigenous women to be sentenced for offences against the administration of justice, including breaches of existing orders such as bail, probation and parole.\textsuperscript{49} The less serious nature of Indigenous women’s offending is reflected in their median sentence length (9.1 months) compared to that non-Indigenous women (14.3 months).\textsuperscript{50}

Remand rates are higher for Indigenous offenders than non-Indigenous offenders. BOCSAR’s recent findings suggest that one-quarter of the increase in the NSW Indigenous imprisonment rate was due to a greater proportion of Indigenous defendants being refused bail.\textsuperscript{51} Between 2001 and 2007, there has been a 3.1% increase in the remand rate of


\textsuperscript{50} Bartels, above n 10, 10.

\textsuperscript{51} Jacqueline Fitzgerald, ‘Why are Indigenous imprisonment rates rising?’ (Crime and Justice Statistics Bureau Brief No 41, Bureau of Crime Statistics and Research, 2009), 4.
Indigenous people appearing in NSW courts. Additionally, the average time Indigenous offenders spend in remand has increased from 3.3 months to 4.2 months between 2001 and 2008.

**Recommendations:**

1. Increase funding for Legal Aid and Aboriginal Legal Services. Increasing access to legal representation for offenders could:
   - reduce the number of offenders incarcerated for nominal offences which can be dealt with through alternate sentencing options, e.g. good behaviour bond
   - prevent issues such as being unaware of court dates or unpaid fines.
2. Reduce remand rates. One way to achieve this is to amend s 74 of the *Bail Act 2013* (NSW), extending the right to make a second bail application without a change in circumstances to ATSI defendants. The *Bail Act* already allows defendants under the age of 18 to make a second bail application without a change in circumstances or discovery of new information so this type of legislative provision already exists.

**4. BURDEN OF COSTS**

In making recommendations aimed at reducing incarceration rates, it is only fair to discuss the issue of the financial burden the aforementioned implementations would place on government departments. Considering the ever-increasing population of Indigenous offenders, the economic and social costs of custodial sentences should be recognised. Until

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52 Ibid.
53 Ibid.
54 *Bail Act 2013* (NSW) s 74.
55 Ibid s 74(3)(d).
such time as prison maintenance and expansion costs are seen to be problematic, the search
for more effective alternatives will not be actively pursued.

A 2007-2008 report found the total cost per prisoner averaged $269 per day ($98,185 per
year).\(^{56}\) Comparatively, the cost of residential rehabilitation was estimated to be $98 per day
($35,770 per year).\(^{57}\) A 2011 report commissioned by the National Indigenous Drug and
Alcohol Centre made similar findings: the average cost of keeping a prisoner in jail equated
to roughly $315 per day ($114,975 per year), whilst facilities that provided residential drug
and alcohol treatment to Indigenous people cost between $204 and $285 per day ($74,460 to
$104,025 per year).\(^{58}\) In addition to delivering cheaper treatment for addiction, lower rates of
recidivism and better health outcomes, each offender diverted from prison into rehab
provided a total saving of $111,458 to public spending.\(^{59}\) The analysis also credited diversion
programs with a further benefit of $92,759 per offender in reduced public health costs and
improved life expectancy.\(^{60}\)

Currently, roughly $3 billion is spent annually on Australian prisons.\(^{61}\) With fiscal

\(^{56}\) Productivity Commission, Steering Committee for the Review of Government Service Provision (2007),

\(^{57}\) Timothy Moore, Alison Ritter and Jonathan Caulkins, ‘The costs and consequences of three policy options for

\(^{58}\) Chip Le Grand, ‘Rehab ‘a $110k saving over jail’’, The Australian (online), 4 February 2013
1226567750858>.

\(^{59}\) Ibid.

\(^{60}\) Ibid.

\(^{61}\) Bronwyn Herbert, ‘Indigenous offenders need rehabilitation, not jail: report’, ABC News (online), 4 February
2013 <http://www.abc.net.au/news/2013-02-04/indigenous-offenders-need-rehabilitation-not-jail-
report/4500246>.
responsibility at its height, it seems prudent to expand alcohol and other drug diversion programs, thereby shifting responsibility, and a commensurate amount of resources, from the justice and corrective service sector to the health sector.

CONCLUSION

This paper explores some of the factors which have contributed to the gross over-representation of Indigenous women within the Australian criminal justice system. After conducting a basic review of relevant works on the issue, it has provided some general recommendations by which the problem of over-representation could be ameliorated.

The most detailed analysis regarded the victimisation of Indigenous women. Although the issue is far too extensive to cover in this paper in its entirety, various forms of victimisation were discussed. Most notable was the disparity in alcohol, tobacco and drug use by Indigenous women compared to their non-Indigenous counterparts. The importance of utilising specific rehabilitation programs was emphasised. Not only are rehabilitation programs more effective in preventing criminal conduct but they are a comparatively inexpensive approach to reducing recidivism.

Court and police practices in relation to Indigenous offending were also discussed. There is strong evidence to suggest selective policing targeting Indigenous-heavy communities. Similarly, courts have failed to apply viable alternative sentencing options. Considering one of the recommendations of the RCIADIC was to utilise imprisonment as a sanction of last resort, this represents a tremendous failure on the part of the judiciary.

Although the over-representation of women in Australian prisons outweighs that of
Indigenous men, research into the needs of women has been limited. Therefore, further research is required before a conclusive remedy for a problem which suffers multiple causal elements can be found.

[Word Count: 4,124]
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