



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2023-2024

Mr Mark Parton MLA (Chair), Ms Jo Clay MLA (Deputy Chair),
Mr Michael Pettersson MLA

ANSWER TO QUESTION TAKEN ON NOTICE DURING PUBLIC HEARINGS

Asked by Mrs Kikkert on 18 July 2023: Mr Gentleman took on notice the following question:

[Ref: Uncorrected Proof Hansard Transcript 18 July 2023 PAGES 53-54]

In relation to: Election commitment to review and report on Aboriginal and Torres Strait Islander incarceration

MRS KIKKERT: Minister, you spoke about working as a whole community, yet you disregarded the community's voice, the Aboriginal community asking for a board of inquiry. But instead you said, "No, thank you. We do not appreciate your view. We prefer to have a review instead". So you are not actually working together with them.

Mr Gentleman: No, I disagree in your comments there, Mrs Kikkert. We certainly did take on board their reflection and what they wanted to see and felt that it could be delivered in a different way.

MRS KIKKERT: Why so? Why is having a review better than having a board of inquiry?

Mr Gentleman: Well, it was explained in quite a lot of detail at the time, when the response was made by government. I will take that on notice and provide that response to you.

MICK GENTLEMAN MLA: The answer to the Member's question is as follows: –

- On 2 June 2023, the ACT Government announced that it is commissioning an independent *Review into the Overrepresentation of First Nations People in the Justice System* (the Review)
- The Review will be led-by a First Nations researcher/consultant with subject matter expertise who will work closely with the ACT First Nations Community.
- The proposed Terms of Reference were subject to consultation with members of the ACT First Nations Community to capture Community input. Working together with the First Nations Community is also a key aspect of the Terms of Reference and the requirements for the commissioned reviewer.
- I acknowledge the calls from leading community members for a wide ranging royal commission and their calls for the ACT government to commit to implementing all outstanding recommendations of previous inquiries into issues which contribute to contact with the justice system including homelessness, mental health, substance use and addiction, family violence, poverty, unemployment, racism, child protection, youth detention, education of Aboriginal children, bail and parole [Winnunga-AHCS-Newsletter-April-2021.pdf](#)
- In considering these calls, the ACT Government was concerned that a wide ranging royal commission style inquiry may:

- Involve formal and legalistic processes;
 - Take years to hear evidence and hand down recommendations;
 - Make recommendations which mirror or duplicate those of previous inquiries;
 - Be a significant expense for a small jurisdiction like the ACT; and
 - Not be the most effective use of resources.
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- By contrast, the Review will use flexible, less formal processes and leverage off the Australian Law Reform Commission's (ALRC) *Pathways to Justice Report Pathways to Justice—Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples (ALRC Report 133)* which considered previous reviews including Royal Commissions.
 - The Review will take part in two stages to drive both engagement and improvements with a First Report to be delivered in March 2024 and a Final Report to be delivered in late 2024.
 - The Government is confident that the Review will deliver timely, tangible, and actionable recommendations to the Government.

Approved for circulation to the Select Committee on Estimates 2023-2024

Signature:



Date: 27/7/2023

By the Minister for Corrections, Mick Gentleman MLA