

# Prison sentences less likely in Indigenous courts, study finds

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Indigenous magistrates' courts are making progress in reducing the over-representation of Aboriginal and Torres Strait Islanders in prison, a new QUT study shows.

Researchers from QUT's School of Justice found Indigenous offenders in South Australia were significantly less likely to be imprisoned, or receive penalties that often led to jail, when sentenced in courts for Indigenous offenders.

Dr Samantha Jeffries and Dr Christine Bond analysed 15,292 cases involving [Indigenous people](#) from 2007 to 2009 in South Australian magistrates' courts.

They found that the odds of imprisonment for Indigenous people was reduced by 6 per cent if sentenced in the Nunga Court, which deals only with Indigenous people who plead guilty to low-level offences, than conventional courts.

Dr Jeffries said compared with the conventional magistrates' courts the odds of Indigenous offenders having their licence disqualified fell by 50 per cent in the Nunga Court and the odds of being fined was 66 per cent less.

She said Indigenous courts favoured community-based orders that involved rehabilitation, counselling and support.

"Monetary penalties and driver's licence disqualification often pave the way to incarceration for Indigenous people," she said.

"Many Indigenous people can't afford to pay fines and are reliant on cars if they live in regional and remote areas.

"If they breach court orders, they can end up going to jail for what are really quite trivial issues."

The QUT paper, "Indigenous Sentencing Outcomes: A [Comparative Analysis](#) of the Nunga and Magistrates Courts in South Australia," was published in late December in *The Flinders Law Journal*.

Dr Jeffries said the study suggests that Indigenous courts, established a decade ago following recommendations from the Royal Commission into Aboriginal Deaths in Custody, may help to reduce the number of Indigenous people in prison.

"At present, the incarceration rate for Indigenous [Australians](#) is more than 14 times higher than for non-Indigenous people," she said.

"Both in the short and long-term, Indigenous courts have the potential to make positive inroads towards addressing the problem of prison over-representation.

"They provide a more culturally sensitive sentencing process, involve community elders and a support network is put around the offender. It's about empowerment and reconciliation."

Dr Jeffries said the state government's withdrawal of funding to Queensland's Murri Court last year was disappointing.

"It's an extremely concerning step backwards and will lead to more Indigenous people in prison," she said.

Provided by Queensland University of Technology

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