
Appendix 1 – Relevant previous reports and inquiries

Royal Commission into Aboriginal Deaths in Custody, 1991

The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) was conducted between 1987 and 1991. RCIADIC was established to investigate the deaths of First Nations peoples in custody in the 1980s but ultimately expanded to examine the causes of the over-representation of First Nations peoples in custody.

The final report was presented to governments in 1991 and made 339 recommendations across a wide range of policy areas, primarily in relation to policing, criminal justice, incarceration and deaths in custody. In March 1992, the state, territory and federal governments responded to RCIADIC, confirming the acceptance of the vast majority of the Royal Commission's 339 recommendations and outlining the steps to be taken to implement the accepted recommendations. Corrective Services reports that 78 recommendations applied to them and another 11 recommendations applied to both Corrective Services and Justice Health NSW.

The report highlighted that significant improvements were needed to the criminal justice system and policing in relation to custody arrangements, post-death investigations, support for First Nations individuals and communities that encounter the criminal justice system, and the fair application of laws to First Nations peoples.

Australian Law Reform Commission 2017, *Pathways to Justice - Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*

This Inquiry noted that a First Nations person was 12.5 times more likely to be in prison than a non-First Nations person. Finalised in December 2017, the report contained 35 recommendations focusing on reforms to laws and legal frameworks to reduce the over-representation of First Nations peoples in custody. The recommendations related to:

- promoting equality before the law
- promoting fairer enforcement of the law and application of legal frameworks
- ensuring First Nations-leadership and participation in the development and delivery of programs
- reducing reoffending through effective diversion, support and rehabilitation programs
- providing alternatives to imprisonment
- promoting justice reinvestment.

The Australian and State and Territory governments did not issue a formal response to the Inquiry's recommendations. However, justice targets were incorporated into the *National Agreement on Closing the Gap 2020*.

NSW Legislative Council Select Committee 2021, *The high level of First Nations peoples in custody and oversight and review of deaths in custody*

The focus of this Inquiry was the operations and functions of the oversight bodies tasked with investigating and reviewing First Nations deaths in custody in NSW. The Inquiry found that oversight of First Nations deaths in custody was fragmented and lacked independence. The recommendations collectively call for reform of the criminal justice system to address systemic injustices faced by First Nations peoples, emphasising immediate and comprehensive implementation of recommendations from previous inquiries. In its response issued on 13 October 2021, the NSW Government confirmed its support or support in principle for 16 of the Select Committee's recommendations. Ten recommendations were under consideration, 8 recommendations were noted and 5 recommendations were not supported.

NSW Parliamentary Research Service 2023, *Reducing incarceration of Aboriginal people: Challenges and choices*

This report notes the key drivers of the over-representation of First Nations peoples in custody as systemic issues including bail laws, sentencing practices, and limited access to diversion and community-based sentencing options, compounded by broader social determinants including housing, health and education.

The report found that while many solutions are known, implementation has been inconsistent or lacking. It recommended that the NSW Government fully implement outstanding recommendations from previous Inquiries, and embed First Nations-led, community-based, and culturally appropriate supports across the justice system. The report also calls for structural reforms, including justice reinvestment and shared decision-making with First Nations communities, to address both the causes and consequences of incarceration.

Senate Standing Committees on Legal and Constitutional Affairs, Parliament of Australia 2025, *Interim Report on Australia's youth justice and incarceration system (Chapter 3: First Nations youth in detention)*

Chapter 3 of the Interim Report on Australia's youth justice system highlights the severe over-representation of First Nations youth in detention. In 2022–23, First Nations young people made up 57% of those under youth justice supervision and were 28 times more likely to be detained than non-First Nations youth.

The report attributes the disparity to systemic issues including colonisation, intergenerational trauma, racism and socio-economic disadvantage. It criticises current policies as neglectful and calls for a shift toward non-punitive, culturally safe approaches. The report also documents discriminatory policing practices and limited access to diversionary programs, reinforcing the need for structural reform and accountability across jurisdictions.

Australian Institute of Health and Welfare 2025, *Closing the Gap targets: key findings and implications (Chapters 10: Criminal justice and 11: Youth justice)*

This report highlights that the national targets to reduce the incarceration rate of First Nations adults and young people are both off-track. The report notes the key drivers of the over-representation of First Nations peoples in the criminal justice system as intergenerational trauma, socioeconomic disadvantage, poor educational outcomes, family disruption, mental health issues and early contact with the justice and child protection systems.

The report highlights a number of strategies for reform including:

- addressing modifiable risk factors (education, employment, housing)
- expanding culturally appropriate and community-led justice responses
- investing in prevention, diversion and justice reinvestment
- embedding early intervention and healing programs.

Effective service coordination, community participation and further research into protective factors are also highlighted as essential for reducing over-representation and improving outcomes.