

Incarceration in Australia since 1967: Trends in the Over-representation of Aboriginal and Torres Strait Islander Peoples

Researched by Jennifer Tsui under the supervision of Suzanne Poynton (Director, Research and Evaluation, Bureau of Crime Statistics and Research) and Richard Wilson SC (Deputy Senior Public Defender, NSW Public Defenders Office)

Key Points

Incarceration rate in Australia

- The general adult incarceration rate in Australia has been steadily increasing since 1967, nearly doubling in that period, from just over 100 per 100,000 adults in 1967, to well over 200 per 100,000 adults in 2021.
- The incarceration rate of Indigenous Australians has been increasing more rapidly than the general incarceration rate.
- As at 2021, the incarceration rate of Indigenous Australians was more than 10 times higher than that of the general population and this over-representation was progressively worsening.
- The most dramatic increases in the rate of incarceration of Indigenous Australians have occurred in the decades since the Royal Commission into Aboriginal Deaths in Custody, which commenced in 1987 and reported in 1991.

Current incarceration rates by state/territory

- All states and territories had a disproportionately high rate of Indigenous incarceration in 2021.

- Western Australia, the Northern Territory and South Australia had the highest incarceration rate for both Indigenous and non-Indigenous Australians in 2021.

Case study: Trends in bail refusal and sentencing in NSW

- The increase in incarceration rates in NSW in recent years appears to be predominantly driven by an increase in the number of prisoners on remand, rather than of sentenced prisoners. Factors such as the increase in bail refusals or length of time spent on remand appear to be contributing to this upward trend.
- In September 2021, Indigenous Australians in NSW were nearly 15 times more likely to be on remand than non-Indigenous Australians.
- Indigenous Australians in NSW are twice as likely to have been refused bail by police prior to their first court appearance, as non-Indigenous Australians.
- Indigenous Australians in NSW are nearly twice as likely as non-Indigenous Australians to find themselves in custody on remand at the time of their final court appearance.

Introduction

The purpose of this paper is to collate and present statistics from government databases and published research on trends in adult incarceration in Australia since the 1967 Referendum, which sought to give the Commonwealth Parliament power to make laws with respect to Aboriginal and Torres Strait Islander peoples, and to make it possible to include Aboriginal and Torres Strait Islander peoples in national censuses. The paper provides a comparison of national incarceration rates within both the general adult population the Indigenous adult population, and includes an overview of incarceration rates for different states and territories. Trends in the composition of the NSW Indigenous and non-Indigenous prison populations are also presented as a case study.

The general incarceration rate in Australia has increased significantly over the past few decades, in what one commentator has described as the ‘Second Convict Age’ in Australia.¹ The incarceration rate for Indigenous Australians is growing at a significantly higher rate than for non-Indigenous Australians, leading to the increasing over-representation of Aboriginal and Torres Strait Islander people in prisons in all Australian states and territories. The statistical evidence suggests that this continuing rise is due to increases in both Indigenous Australians being remanded in and sentenced to custody. The growing rate of incarceration in Australia – in particular, the disproportionately and steadily increasing rate of Indigenous incarceration – is concerning, as incarceration is intended to be a punishment of last resort,² and can lead to very significant long-term disadvantage within families and communities.³

¹ Andrew Leigh, [The Second Convict Age: Explaining the Return of Mass Imprisonment in Australia](#) (Discussion Paper No 13025, Institute of Labor Economics, March 2020).

² See, eg, [Crimes Act 1914](#) (Cth) s 17A(1) and [Crimes \(Sentencing Procedure\) Act 1999](#) (NSW) s 5.

³ See [Bugmy Bar Book](#) chapters [Incarceration of a Parent or Caregiver](#) and [Impacts of Imprisonment and Remand in Custody](#).

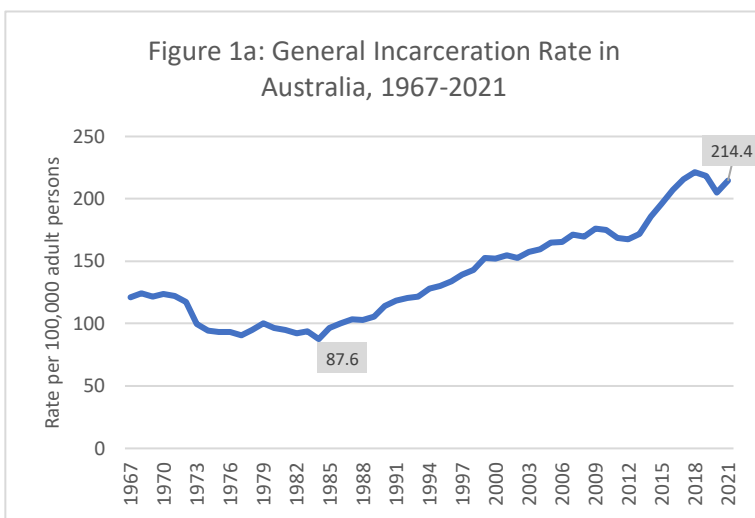
Changes in the Incarceration Rate

The incarceration rate is the number of people incarcerated per 100,000 relevant persons in the population. Adult incarceration rates are calculated by dividing the actual number of adult prisoners in custody on a particular day of the year by the estimated relevant resident population and then multiplying this number by 100,000. The methods for calculating this estimated adult population have varied over time and thus adjustments have been made to rate calculations, in an attempt to account for these methodological changes.

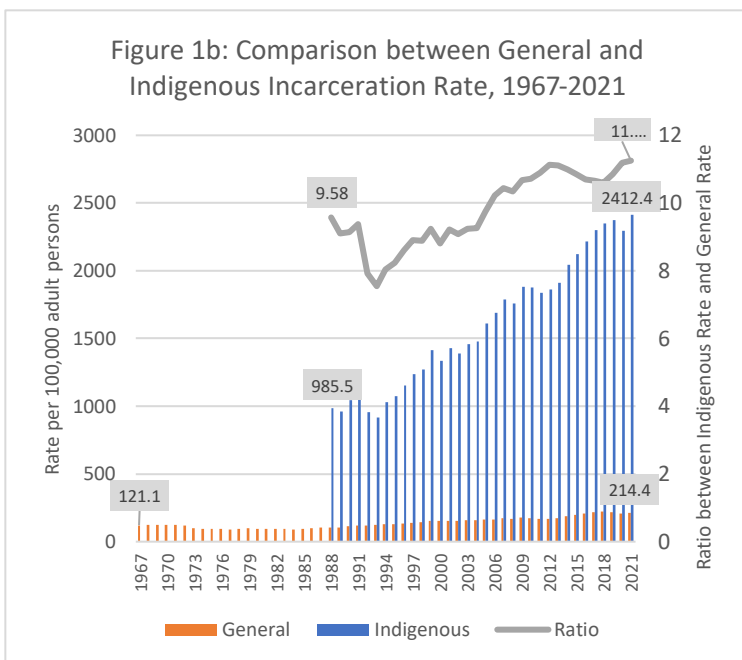
The incarceration rate per 100,000 adult persons is to be differentiated from the age-standardised incarceration rate, which is explained in the next section.

The general incarceration rate in Australia (the rate for the overall Australian population) was around 100 per 100,000 in the late 1960s and throughout the 1970s, but has been steadily increasing since the early 1980s, to well over 200. The incarceration rate in 2021 was approximately 2.5 times that of the rate in 1985 (see Figure 1a and Appendix: Table 1). Alarming, the general incarceration rate appears to have been growing more quickly since 2012 than at any other time over the last 30 years. This is despite the slight dip that occurred after 2019.

Figure 1b shows the growth in the Indigenous incarceration rate, per 100,000 adults, from 1988 until 2021, as well as the ratio between the Indigenous and general incarceration rates. There is a shorter time series for the Indigenous incarceration rate, as the Indigenous incarceration rate per 100,000 adults was not reported until 1988. This chart illustrates that the Indigenous incarceration rate in 2021 was 2.4 times higher than in 1988. The ratio has also steadily increased from 1988 to 2021, demonstrating that the over-incarceration of Indigenous Australians is continuing to worsen over time.



Source: for the years 1967-2018, Leigh (2020); for the years 2019-2021, Australian Bureau of Statistics (2021).

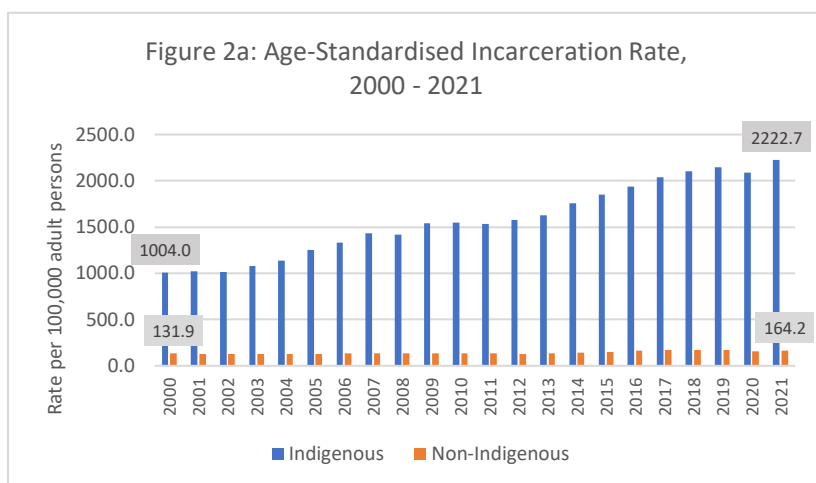


Source: for general incarceration rates between 1967-2018, Leigh (2020); for the years 2019-2021, Australian Bureau of Statistics (2021); for Indigenous incarceration rates between 1988-1989, Carcach, Grant and Conroy (1999); for the years 1990-2005, Leigh (2020); for the years 2006-2021, Australian Bureau of Statistics (2021).

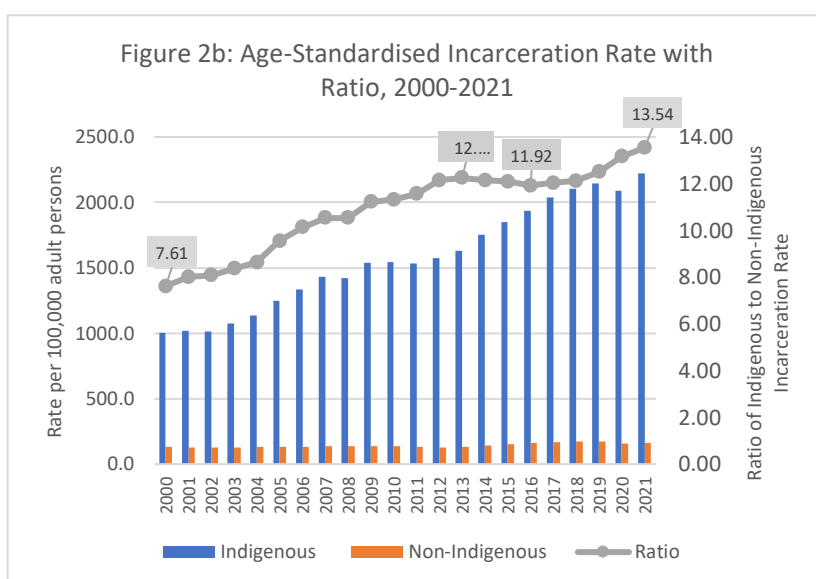
Changes in the Age-standardised Incarceration Rate

Australia

Age standardisation is a statistical method that is used to account for significant differences in the age distribution of different demographic groups or time periods. This allows for more meaningful comparisons to be made. This method has been used by the Australian Bureau of Statistics (ABS) since 2000 to compare Indigenous and non-Indigenous incarceration rates. This is because the Aboriginal and Torres Strait Islander population is much younger than the general Australian population.



Source: for the years 2000-2005, ABS (2009); for the years 2006-2021, ABS (2021).



Source: for the years 2000-2005, ABS (2009); for the years 2006-2021, ABS (2021).

The age-standardised imprisonment rates of both Indigenous and non-Indigenous Australians increased between 2000 and 2021 (see Figure 2a). For non-Indigenous Australians, the age-standardised incarceration rate increased by 25%, from 131.9 to 164.2 per 100,000, while the rate for Indigenous Australians increased by 121%, from 1004.0 to 2222.7 (see Appendix: Table 2 for raw figures). This means that the incarceration rate for Indigenous people grew nearly five times more quickly than the incarceration rate for non-Indigenous people over this period (see Appendix for information on how this data was calculated).

Accordingly, the ratio of the Indigenous to non-Indigenous incarceration rates also increased between 2000 and 2021 (see Figure 2b). In 2000, the incarceration rate of Indigenous Australians was approximately 7.6 times that of non-Indigenous Australians, but in the latest year of data available (2021), it was more than 13 times the rate of non-Indigenous Australians. These trends illustrate that overrepresentation of Indigenous peoples in Australian prisons is progressively worsening.

States and Territories

Figure 3a shows the age-standardised incarceration rate for Indigenous and non-Indigenous people in 2021 for each Australian state and territory. Western Australia, the Northern Territory and South Australia had the highest incarceration rate for Indigenous and non-Indigenous people in 2021. In particular, the age-standardised incarceration rate for Indigenous people in Western Australia was approximately 1.3 times that of the rate in Northern Territory, which has the second-highest Indigenous incarceration rate. It is also 4.4 times that of the rate in Tasmania, which has the lowest Indigenous incarceration rate.

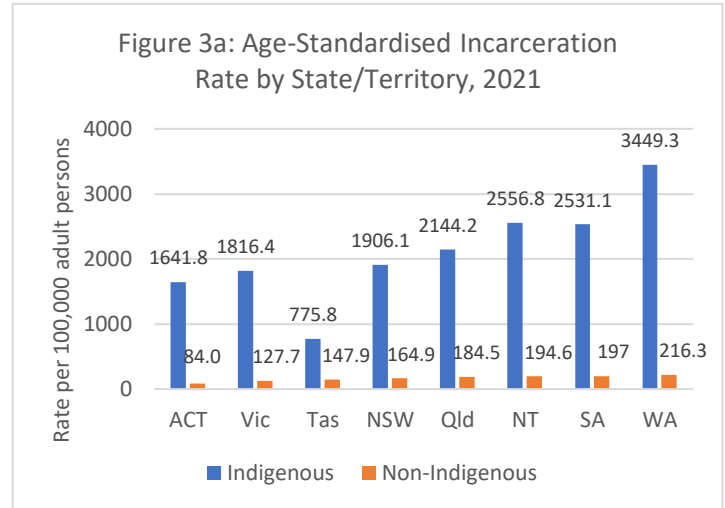
Western Australia also has a very high Indigenous incarceration rate, relative to its non-Indigenous incarceration rate, demonstrating the significant over-incarceration of Indigenous Australians in that state, second only to the ACT.

The ACT is something of an anomaly, compared with the other states and territories. While the Indigenous incarceration rate is comparable with NSW and Victoria, it has the lowest non-Indigenous incarceration rate of any state or territory, by a significant margin. As a result, it had the highest ratio between the two figures (19.5; see Figure 3b).

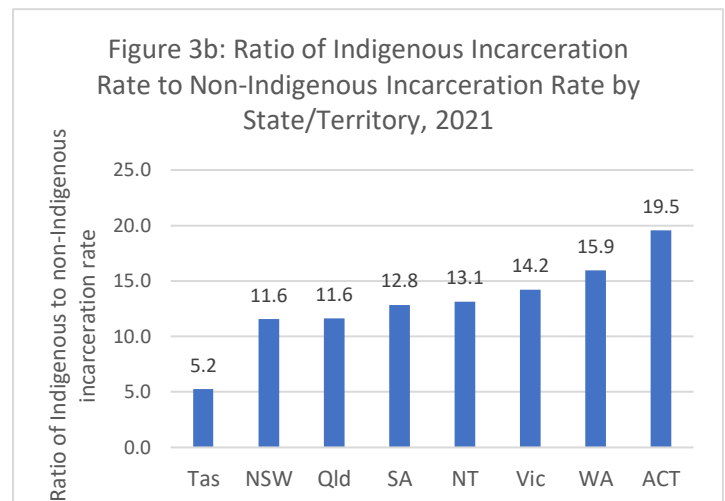
Every state and territory saw an increase in their age-standardised incarceration rate for Indigenous Australians between 2000 and 2021 (see Figure 3c). Out of all states and territories, Victoria had the largest increase in their rate for Indigenous Australians (299%) and the second largest increase in their rate for non-Indigenous Australians (49%).

The ACT and the Northern Territory also had substantial increases in their age-standardised incarceration rate for Indigenous Australians, increasing by 252% and 185% respectively. This is especially

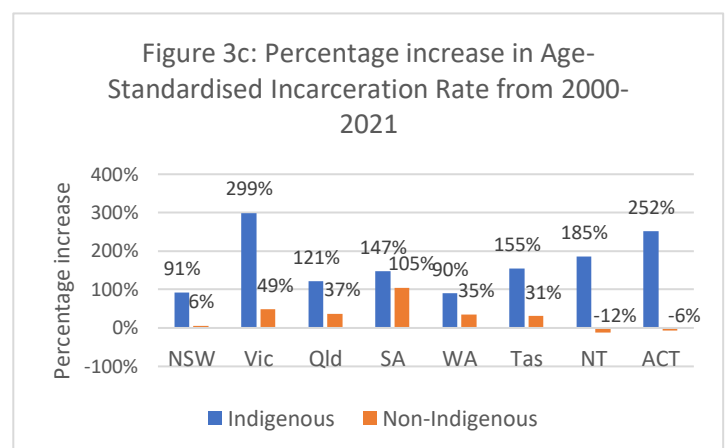
significant, given that the equivalent rate for non-Indigenous Australians in fact *decreased* by 6% and 12% respectively over this period. However, there is greater variability in the rates over time in the less populous jurisdictions, which may partially account for these fluctuations.



Source: ABS (2021).



Source: ABS (2021).



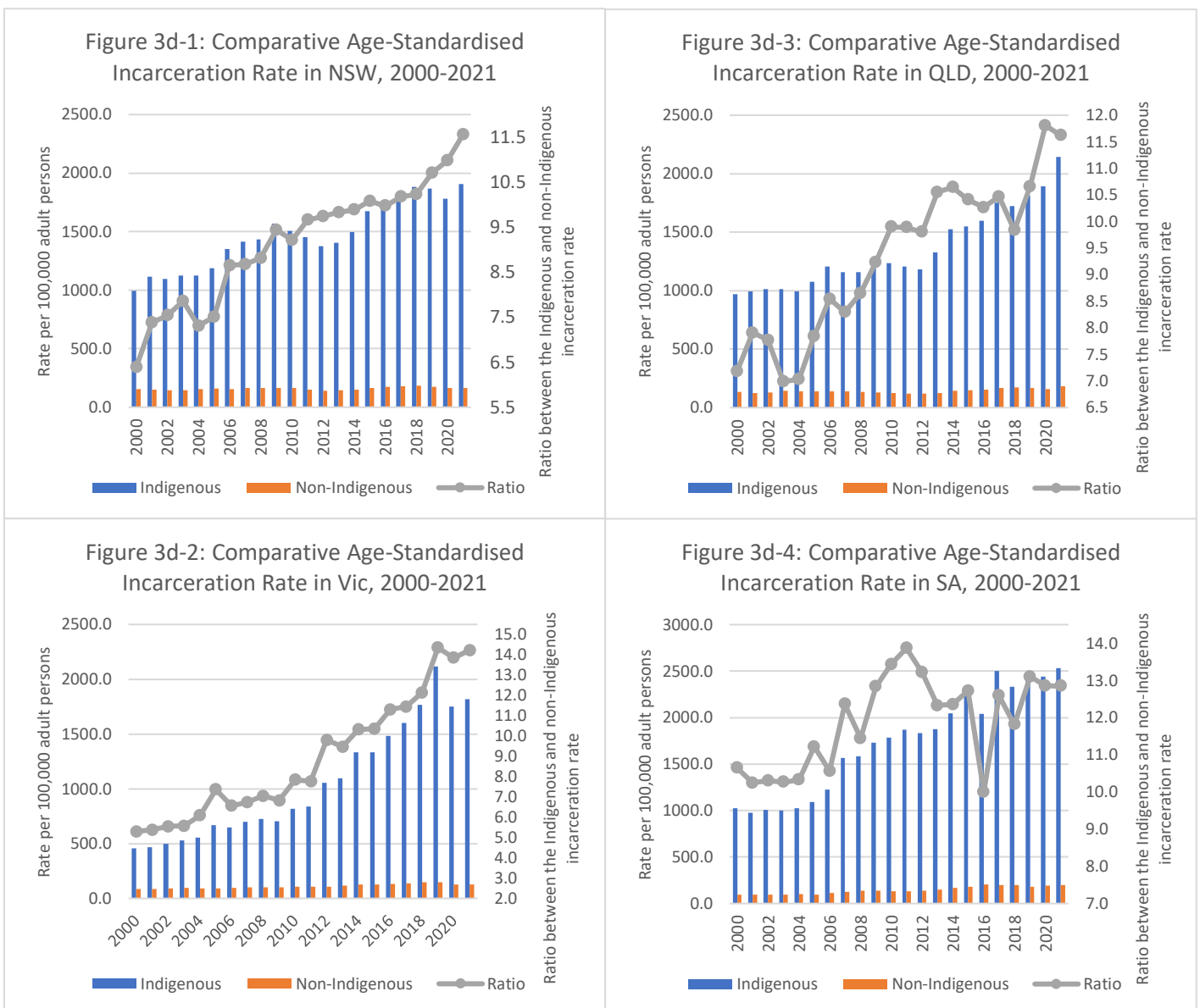
Source: for the years 2000-2005, ABS (2009); for the years 2006-2021, ABS (2021). The discrepancies in the data were adjusted as appropriate (see Appendix) and the percentage increase then calculated.

General Observations for Trends across Australia

Figures 3d-1 to 3d-8 illustrate the incarceration trends in all states and territories for the years 2000-2021.

In all states and territories, except the ACT and the Northern Territory, there was a steady increase in the age-standardised incarceration rates for both Indigenous and non-Indigenous people. As noted above, in the ACT and the Northern Territory, there has been a decrease in the non-Indigenous incarceration rate since 2000 (see Figure 3c above).

Significantly, the ratio between the Indigenous and non-Indigenous incarceration rates in all states and territories also increased from 2000 to 2021. This shows that there is an increasing over-representation of Indigenous Australians in all jurisdictions across Australia.



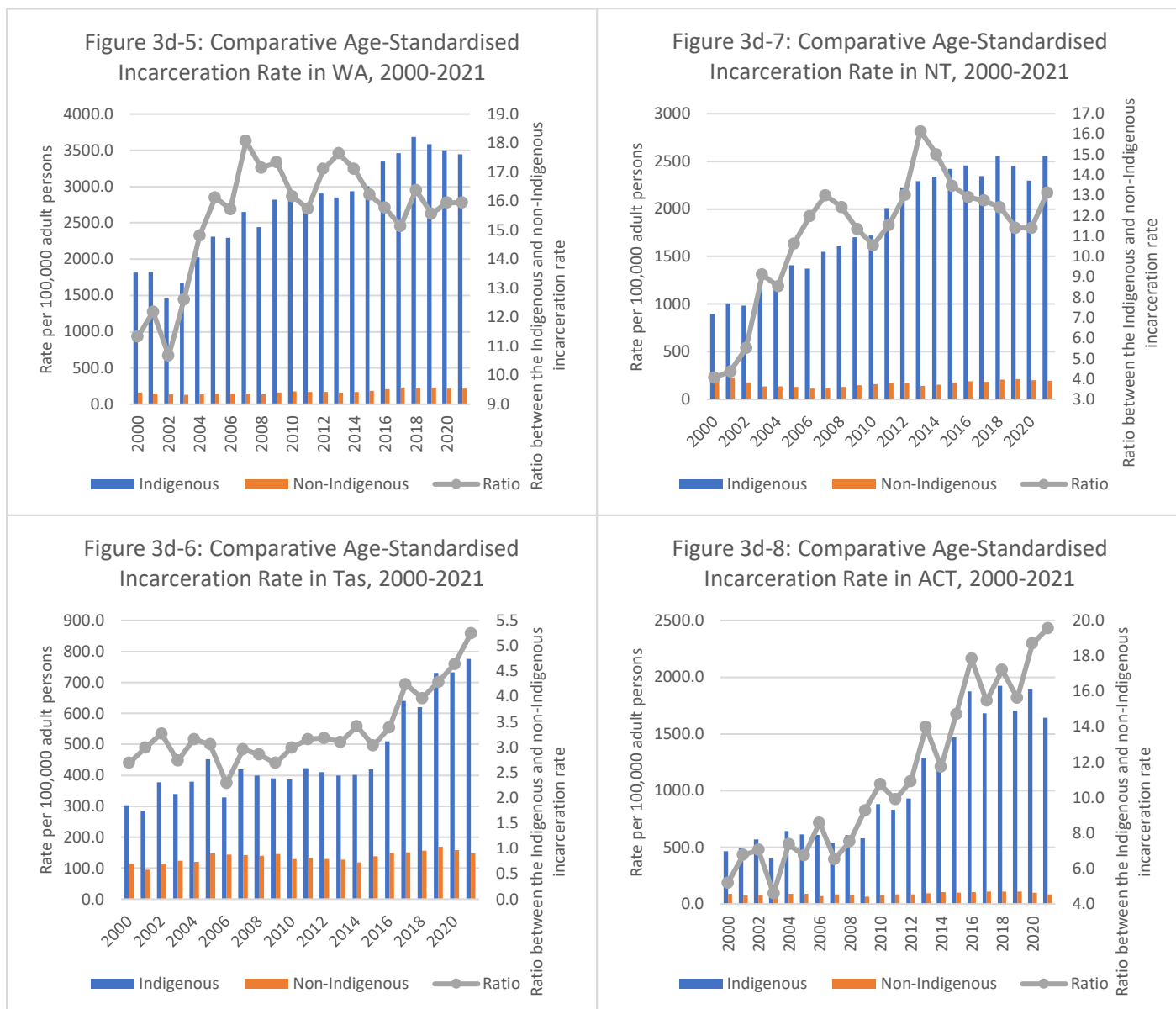


Figure 3d-1 to 3d-8

Source: for the years 2000-2005, ABS (2009); for the years 2006-2021, ABS (2021). The rates have been adjusted (see Appendix).

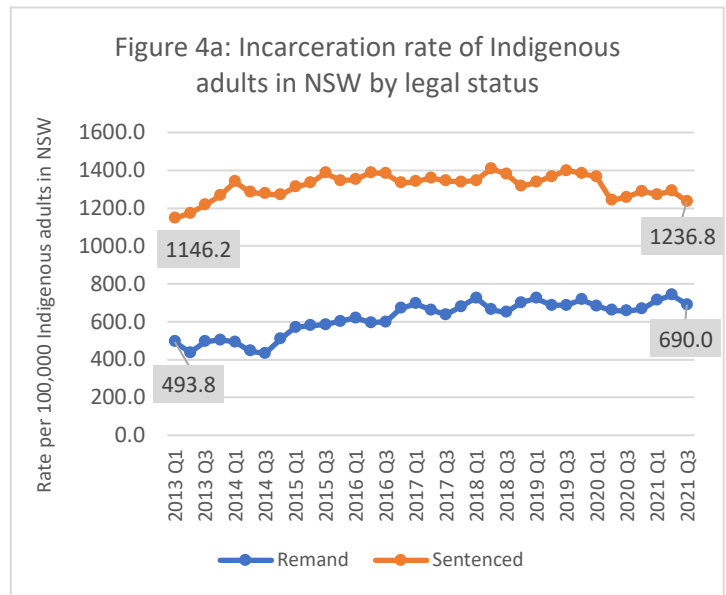
Case Study: Trends in Bail Refusals and Sentencing in NSW

The prison population is made up of both sentenced prisoners and unsentenced prisoners who have been refused bail and are waiting for their matters to be finalised (on remand). The steady increase in Indigenous incarceration rates could have been caused by an increase in the size of remand or sentenced prison populations (or some combination thereof). In order to try to investigate possible causes, this next section studies the position in NSW. (The study is limited to NSW, due to difficulties in locating comparable data for all states and territories).

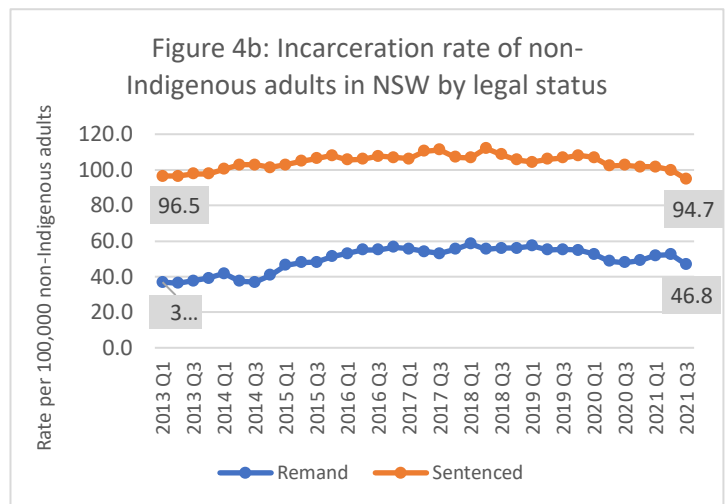
Incarceration Rate by Legal Status (Sentenced vs Unsentenced)

Figures 4a and 4b illustrate the trends in the incarceration rates of Indigenous and non-Indigenous adults per 100,000 adult persons in NSW, separated by legal status. The incarceration rates of both Indigenous and non-Indigenous prisoners *on remand* have increased in NSW since 2013 by 40% and 27% respectively. In contrast, the incarceration rate of Indigenous *sentenced* prisoners only increased by 8%, while the corresponding rate for non-Indigenous prisoners in fact decreased by 2%. This demonstrates that the increase in the incarceration rates of both groups over the past decade was predominantly caused by an increase in the rate of remand. Unsurprisingly, this has meant that the proportion of remand prisoners in custody in NSW for both groups has been increasing since 2014 (see Figure 4c). Notably, in September 2021,⁴ Indigenous Australians were nearly 15 times more likely to be on remand than non-Indigenous Australians.

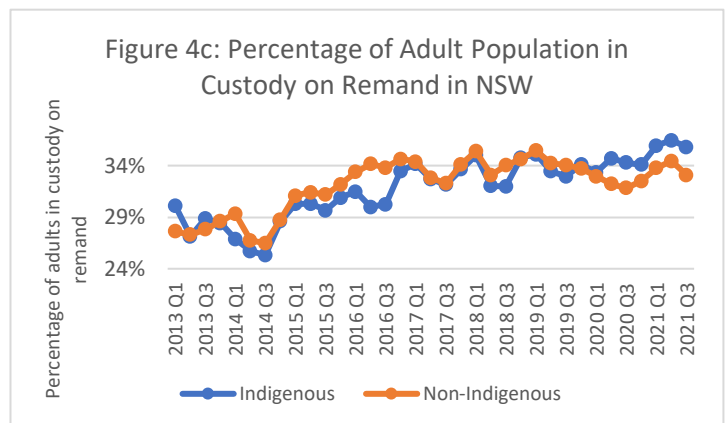
This begs the question: has there simply been an increase in the rates of offending or are there other causes at play? It seems unlikely that the increase in the Indigenous prison population is due to a substantial increase in rates of offending, as there has



Source: NSW Bureau of Crime Statistics & Research (November 2021); NSW Bureau of Crime Statistics & Research (April 2022).



Source: NSW Bureau of Crime Statistics & Research (November 2021); NSW Bureau of Crime Statistics & Research (April 2022).



Source: NSW Bureau of Crime Statistics & Research (November 2021).

⁴ Q1, Q2, Q3 and Q4 in Figures 4a and 4b correspond to the figure for March, June, September and December respectively.

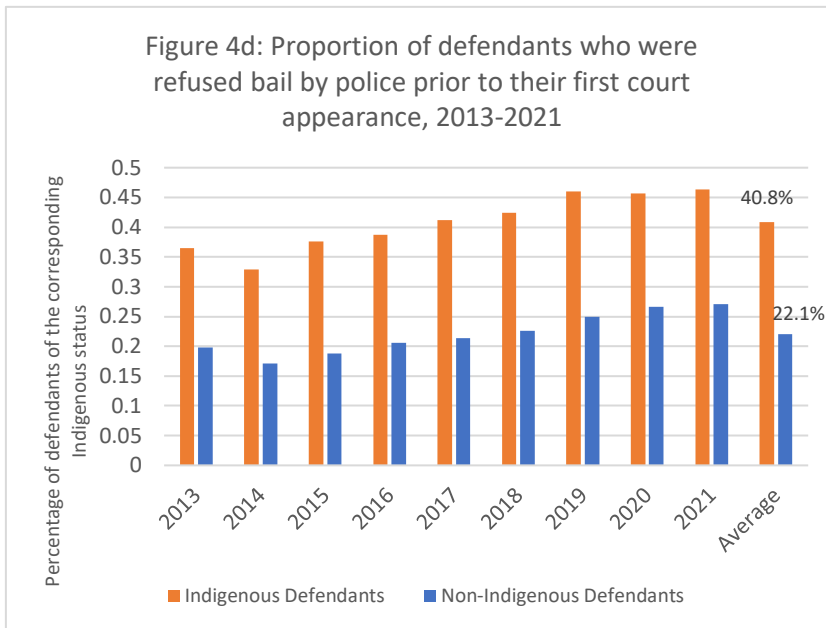
been a significant decline in the rates of arrests of Indigenous Australians in NSW for property and violent offences since 2001 (Weatherburn & Ramsey 2016).⁵ The growth in incarceration rates could be partly due to longer prison sentences being imposed over the last decade (Weatherburn & Holmes 2017), as well as more time spent on remand, due to increasingly lengthy court delays in the NSW District Court (Ramsey & Fitzgerald 2019). There have also been suggestions that the recent growth in Indigenous imprisonment has been caused by an increase in the proportion of Indigenous defendants being refused bail (Weatherburn & Holmes 2017), and harsher bail laws, since the commencement of the *Bail Act 2013* in 2014 and subsequent amendments to it in 2015 (Yeong & Poynton 2018).⁶

The following is an examination of data relating to bail refusals in NSW to investigate whether recent trends in the rate of bail refusals could account for the increase in remand prisoners (in particular, Indigenous remand prisoners) in NSW.

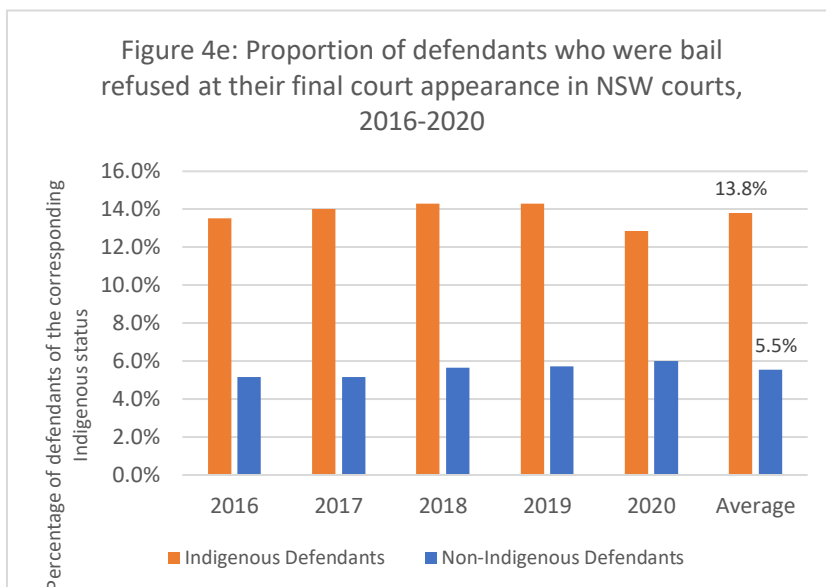
⁵ It should be noted however that there has been an increase in Indigenous offenders imprisoned for justice procedure offences, which predominantly comprise of breaches of custodial orders. A possible factor contributing to this increase is stronger enforcement of compliance with such orders: see Don Weatherburn and Stephanie Ramsey, [What's Causing the Growth in Indigenous Imprisonment in NSW?](#) (Issue paper No 118, NSW Bureau of Crime Statistics & Research, August 2016).

⁶ For a more detailed review of the possible factors contributing to the increase in Indigenous incarceration, see Lorana Bartels, [The Growth in Remand and Its Impact on Indigenous Over-Representation in the Criminal Justice System](#) (Research Brief No 24, Indigenous Justice Clearinghouse, May 2019) and Australian Law Reform Commission, [Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples](#) (Report No 133, December 2017).

Bail Refusals



Source: NSW Bureau of Crime Statistics & Research (April 2022).



Source: NSW Bureau of Crime Statistics & Research (May 2021).

more than twice as likely as non-Indigenous Australians to find themselves in custody on remand, at the time of their *final court appearance*. This suggests that Indigenous status might play a role in shaping bail decisions by police and courts (Weatherburn & Snowball 2012). However, it must be noted that the difference in bail refusal rates between Indigenous and non-Indigenous defendants may be caused by differences in prior offending, court attendance histories and/or the seriousness of the index matter before the court.

In any case, it is likely that harsher bail laws and bail decisions by police and judicial officers are contributing to the increase in the over-representation of Indigenous Australians in custody.

Figure 4d illustrates that an increasing proportion of defendants are being refused bail by police prior to their first court appearance. This suggests that a harsher approach by police to bail might be fuelling the increase in remand prisoners in NSW. The commencement of the *Bail Act 2013* in 2014 and subsequent amendments to it in 2015 have also likely contributed to this trend (Yeong & Poynton 2018).

In addition, between 2013 and 2021, on average 41% of all Indigenous defendants were refused bail by police prior to their first court appearance (see Appendix: Table 3 for raw figures).⁷ This compares with just 22% of non-Indigenous defendants, illustrating that this trend is disproportionately affecting Indigenous defendants.

Figure 4e reveals that, between 2016 and 2020, on average 13.8% of all Indigenous defendants in NSW with a finalised court appearance were bail refused at finalisation.⁸ This compares with just 5.5% of non-Indigenous defendants (see Appendix: Table 4 for raw figures). Thus, not only are Indigenous Australians more likely to be refused bail by police prior to court attendance, but they are also

⁷ This was determined by dividing the number of Indigenous defendants who were refused bail by police by the total number of police bail decisions made with respect to Indigenous defendants.

⁸ This data is from NSW Bureau of Crime Statistics & Research (May 2021), which recorded the bail status of the defendant at their final court appearance. 'Bail refused at finalisation' means that as at the date of the defendant's final court appearance, they were on remand due to a court bail refusal (as opposed to being in custody for a prior offence or in police custody).

Conclusion

The statistics show that, on both a national level and in each state and territory, the general incarceration rate has been increasing over the past several decades and the Indigenous incarceration rate has been increasing at an even greater pace. This is the case, even when adjustments are made for population age.

This review of the data does not attempt to explain or identify the precise causes for the increasing incarceration rates.⁹ However, the data does suggest that possible causes might include increasingly harsh bail and sentencing laws and practices over time.

It is notable that the disproportionate rate at which Aboriginal and Torres Strait Islander people are incarcerated has increased since the 1967 referendum and has dramatically increased over the two decades since the Royal Commission into Aboriginal Deaths in Custody. Such trends illustrate that dramatic, targeted and systemic reform may be required to reduce the over-representation of Aboriginal and Torres Strait Islander people in Australian prisons and remand centres.¹⁰

⁹ For a comprehensive analysis, see Australian Law Reform Commission, [Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples](#) (Report No 133, December 2017).

¹⁰ Ibid.

Appendix

Calculation of Imprisonment Rates

The imprisonment rates provided by the ABS are revised regularly, in accordance with the revisions in the Aboriginal and Torres Strait Islander population estimates. As a result, there are inconsistencies between the rates across different *Prisoners in Australia* publications and the raw rates are not directly comparable. This report also collates data from different sources, which may have different scales and are not directly comparable. The method used by Andrew Leigh in his discussion paper, to account for the revisions to the data, has been adopted here, to make the data more comparable.

Incarceration rate

The Indigenous incarceration rates in Figures 1a and 1b are taken from Carcach, Grant and Conroy (1999) for the years 1988-1989, Leigh (2020) for 1990-2005 and ABS (2021) for 2006-2021.

The Indigenous incarceration rate in 1990 was 1308.4 in Carcach, Grant and Conroy (1999) and 1124.3 in Leigh (2020). This shows a scaling down by a factor of 1.16.¹¹ Thus, the Indigenous incarceration rates for 1988-1989 have been scaled down by a factor of 1.16, to align them with the data in Leigh (2020).

The Indigenous incarceration rate in 2006 was 1818.4 in Leigh (2020) and 1690.2 in ABS (2021). This shows a scaling down by a factor of 1.08. Thus, the Indigenous incarceration rates for 1988-2005 have been scaled down by a factor of 1.08, to align them with the data in ABS (2021).

Age-standardised incarceration rate

Australia

The age-standardised incarceration rates in Figures 2a and 2b are taken from ABS (2009) for the years 2000-2005 and ABS (2021) for 2006-2021.

The Indigenous age-standardised incarceration rate in 2006 was 1656.9 in ABS (2009) and 1332.5 in ABS (2021). This shows a scaling down by a factor of 1.24. Thus, the Indigenous rates for 2000-2005 have been scaled down by a factor of 1.24, to align them with the newer data in ABS (2021).

The non-Indigenous age-standardised incarceration rates in 2006 was 129.1 in ABS (2009) and 131.5 in ABS (2021). This shows a minute scaling down by a factor of 0.98. While the scaling down is minor, for the sake of consistency, the non-Indigenous rates for 2000-2005 have been scaled down by a factor of 0.98 to align them with the data in ABS (2021).

¹¹ The factors contained in this Appendix have all been rounded to two decimal places. The actual calculations have been made using unrounded factors. Calculating using these rounded factors will not produce the exact figures provided in this report.

States and Territories

The age-standardised incarceration rates which Figure 3a to Figure 3d-8 use are taken from ABS (2009) for the years 2000-2005 and ABS (2021) for 2006-2021. The Indigenous rates for all states and territories, except for the Northern Territory, were adjusted using the same method as outlined above. The Indigenous rates for the Northern Territory and the non-Indigenous rates for all states and territories were not adjusted, as the discrepancies between the rates reported in ABS (2009) and ABS (2021) were slight.

The Indigenous age-standardised incarceration rates for each of the remaining states and territories were scaled down by the factors contained in the table below. These factors were calculated by comparing the 2006 rate in each publication.

State	Adjustment factor
NSW	1.38
Vic	1.42
Qld	1.20
SA	1.22
WA	1.19
Tas	1.28
ACT	1.40

Incarceration rates in NSW

The incarceration rates which Figures 4a and 4b use are calculated using the adult custody population data in NSW Bureau of Crime Statistics & Research (November 2021) and estimated resident population data provided by the NSW Bureau of Crime Statistics & Research in April 2022. The adult custody population referred to as Q1, Q2, Q3 and Q4 for each year in Figures 4a and 4b correspond to the figure for March, June, September and December respectively. The incarceration rate per 100,000 was calculated by dividing the adult custody population by the estimated resident population for the respective group (Indigenous and non-Indigenous) and multiplying this by 100,000. While monthly data was available for the adult custody population, data for the estimated resident population was only available by year. Accordingly, the adult custody population in each quarter of a particular year was divided by the same annual resident population.

Year	General	Indigenous Australians
1967	121.1	
1968	124.4	
1969	121.8	
1970	124.0	
1971	122.0	
1972	117.3	
1973	99.7	
1974	94.2	
1975	93.2	
1976	93.4	
1977	90.8	
1978	95.0	
1979	100.1	
1980	96.3	
1981	94.7	
1982	92.0	
1983	93.7	
1984	87.6	
1985	96.3	
1986	100.1	
1987	103.3	
1988	102.9	985.5
1989	105.8	962.2
1990	114.4	1045.0
1991	118.2	1109.0
1992	120.6	955.3
1993	121.6	917.5
1994	128.3	1031.8
1995	130.3	1072.8
1996	134.1	1154.0
1997	139.1	1238.0
1998	143.1	1270.7
1999	152.8	1412.5
2000	151.9	1337.0
2001	154.8	1427.8
2002	152.8	1387.9
2003	157.7	1455.7
2004	159.6	1477.5
2005	165.0	1610.4
2006	165.2	1690.2
2007	170.9	1789.0
2008	169.5	1757.8
2009	175.8	1879.4
2010	175.0	1874.5
2011	168.8	1838.1
2012	167.3	1862.9
2013	172.0	1911.6
2014	185.9	2044.2
2015	195.8	2124.1
2016	207.2	2216.6
2017	215.8	2301.8
2018	221.2	2347.3
2019	218.6	2374.9
2020	205.2	2294.2
2021	214.4	2412.4
Percentage increase from 1988 (the earliest year for which data is available for both groups) to 2021	108.36%	144.79%

Source: for general incarceration rates between 1967-2018, Leigh (2020); for the years 2019-2021, ABS (2021); for Indigenous incarceration rates between 1988-1989, Carcach, Grant and Conroy (1999); for the years 1990-2005, Leigh (2020); for the years 2006-2021, ABS (2021).

Year	Indigenous Australians	Non-Indigenous Australians	Ratio of Indigenous to non-Indigenous
2000	1004.0	131.9	7.61
2001	1018.5	127.1	8.01
2002	1014.8	125.5	8.09
2003	1077.2	128.9	8.36
2004	1135.0	131.3	8.64
2005	1249.7	130.8	9.56
2006	1332.5	131.5	10.13
2007	1430.1	135.8	10.53
2008	1419.5	134.8	10.53
2009	1539.2	137.2	11.22
2010	1545.5	136.6	11.31
2011	1532.5	132.5	11.57
2012	1573.5	129.5	12.15
2013	1629.6	133	12.25
2014	1753.9	144.4	12.15
2015	1848.4	152.9	12.09
2016	1935.5	162.4	11.92
2017	2037.9	169.4	12.03
2018	2104.9	173.7	12.12
2019	2142.9	171.4	12.50
2020	2087	158.6	13.16
2021	2222.7	164.2	13.54
Percentage increase from 2000 to 2021	121.4%	24.5%	-

Source: for the years 2000-2005, ABS (2009); for the years 2006-2021, ABS (2021).

Period	Indigenous Australian defendants			Non-Indigenous Australian defendants		
	Bail refused by police	Total number of police bail decisions	% of defendants bail refused by police	Bail refused by police	Total number of police bail decisions	% of defendants bail refused by police
2013	4102	11238	37%	14621	73997	20%
2014	4286	13021	33%	13669	79916	17%
2015	5555	14780	38%	15619	83077	19%
2016	6096	15745	39%	17924	87103	21%
2017	6414	15557	41%	17579	82405	21%
2018	7137	16814	42%	18690	82875	23%
2019	8527	18546	46%	20924	83893	25%
2020	8954	19593	46%	21797	81801	27%
2021	9240	19928	46%	21558	79540	27%
Average			41%			22%

Source: NSW Bureau of Crime Statistics & Research (April 2022).

Period	Indigenous Australian defendants			Non-Indigenous Australian defendants		
	Bail refused at finalisation ¹²	Total number	% of defendants bail refused	Bail refused at finalisation	Total number	% of defendants bail refused
2016	4,058	30,034	13.5%	5,556	107,964	5.1%
2017	4,232	30,161	14.0%	5,716	110,864	5.2%
2018	4,354	30,440	14.3%	6,213	109,640	5.7%
2019	4,410	30,882	14.3%	6,155	107,343	5.7%
2020	3,945	30,655	12.9%	5,750	95,845	6.0%
Average			13.8%			5.5%

Source: NSW Bureau of Crime Statistics & Research (May 2021).

¹² See footnote 8.

Sources

Australian Bureau of Statistics, *Prisoners in Australia, 2009* (Catalogue No 4517.0, December 2009)

Australian Bureau of Statistics, *Prisoners in Australia, 2021* (Catalogue No 4517.0, December 2021)

Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Report No 133, December 2017)

Carcach, Carlos, Anna Grant and Rowena Conroy, *Australian Corrections: The Imprisonment of Indigenous People* (Australian Institute of Criminology Trends & Issues in Crime and Criminal Justice No 137, November 1999)

Leigh, Andrew, 'The Second Convict Age: Explaining the Return of Mass Imprisonment in Australia' (Discussion Paper No 13025, Institute of Labor Economics, March 2020)

NSW Bureau of Crime Statistics & Research: Data provided for this study (accessed April 2022)

NSW Bureau of Crime Statistics & Research, NSW Criminal Courts Statistics January 2016 to December 2020 (May 2021)

NSW Bureau of Crime Statistics & Research, NSW Custody Statistics March 2013 to September 2021 (November 2021)

Weatherburn, Don and Jessie Holmes, *Indigenous Imprisonment in NSW: A Closer Look at the Trend* (Issue Paper No 126, NSW Bureau of Crime Statistics & Research, November 2017)

Weatherburn, Don and Lucy Snowball, 'The Effect of Indigenous Status on the Risk of Bail Refusal' (2012) 36 *Criminal Law Journal* 50

Weatherburn, Don and Stephanie Ramsey, *Trends in Indigenous Offending NSW: 2001-2015* (Issue Paper No 117, NSW Bureau of Crime Statistics & Research, August 2016)

Weatherburn, Don, and Stephanie Ramsey, *What's Causing the Growth in Indigenous Imprisonment in NSW?* (Issue Paper No 118, NSW Bureau of Crime Statistics & Research, August 2016)

Yeong, Steve and Suzanne Poynton, *Did the 2013 Bail Act Increase the Risk of Bail Refusal? Evidence from a Quasi-Experiment in New South Wales* (Crimes and Justice Bulletin No 212, NSW Bureau of Crime Statistics & Research, April 2018)