

PREFACE

DURING RECENT DECADES THERE HAS BEEN A MARKED INCREASE IN INTEREST and discussion about Aboriginal rights and welfare. Much of this discussion has centred around legal issues and as Australian society has become more concerned, so the Australian Institute of Criminology has responded by giving a high priority to Aboriginal Justice Issues.

The Australian Institute of Criminology held this conference in June 1992. The conference was planned, in part, in response to the Recommendations of the Royal Commission into Aboriginal Deaths in Custody. The aim of the conference was to identify solutions to the problems associated with Aboriginal people and the criminal justice system, particularly focussing on Aboriginal perspectives. The program presented an overview of many issues including self-determination, community crime prevention, indigenous women and the law, juvenile justice, Aboriginal/police relations, corrections and the judiciary. The conference attracted around 500 participants, most of whom were Aboriginal, and provided an opportunity for Aboriginal and Torres Strait Islander people to share experiences and strategies for overcoming problems in their communities.

The papers in this volume are divided into several broad sections: Community Crime Prevention; Aboriginal/Police Relations; Juvenile Justice; The Judiciary; Aboriginal Women and the Law; and Corrections. The papers are followed by recommendations from the conference.

In his opening address, Rob Hulls draws on his experience with the Aboriginal and Torres Strait Islander Legal Service to highlight the urgent need for the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody which concern law and justice and the wider issues of economic and social disadvantage. He raises the question of the appropriateness of the application of the white criminal justice system to Aboriginal and Torres Strait Islander communities.

Michael Mansell takes this idea further in his paper, "Law Reform and the Road to Independence". He sees self-determination as the essential determinant of justice for indigenous people. Mansell puts forward the Aboriginal Provisional Government's model for Aboriginal independence and emphasises the need for the legal system to be examined in the context of the overall relationship that Australia has with Aboriginal people.

Crime Prevention

In the section on crime prevention the contributors examine successful community crime prevention strategies. In the following papers the importance of community input is emphasised as central to success.

Barbara Miller demonstrates how a diverse community in North Queensland turned around its experience of violence to establish positive programs which have enhanced the life of the community and contributed to crime prevention. Paul Memmott shows how a project which is conceived and driven by Aboriginal elders is working towards agreed upon styles of preferred social behaviour in Alice Springs. The importance of indigenous workers in the field is stressed by Rebecca Tonkin as an important determinant for the success and acceptance of crime prevention strategies in Aboriginal communities in South Australia. Marg O'Donnell describes how mediation techniques are being practised to resolve disputes in Aboriginal communities, with special reference to Deed of Grant in Trust (DOGIT) communities. The challenge of such schemes is to provide a service which is seen to be relevant to the needs of the community, whilst being able to integrate traditional decision-making and styles of agreement within a new approach to conflict resolution.

Aboriginal/Police Relations

Aboriginal/police relations have received increasing attention in recent years, largely because they have been characterised by conflict. The three papers in this section describe positive changes that can be made to improve the ways in which Aboriginal people and the police interact.

Terry Tyler outlines the community policing strategies that the Queensland Police are implementing in the wake of the *Fitzgerald Report* to improve relations between the police and the Aboriginal and Torres Strait Islander community. Some of these strategies include wider consultation through consultative committees and recruitment of Aboriginal staff to the police force. In the paper that follows Cherie Imlah demonstrates how attitudes of police can be changed, and understanding enhanced through the Queensland Police Recruit Training Program. Finally, Dave Curtis describes a scheme, the Julalikari Night Patrol, in which community volunteers patrol the town and camps at night to settle disputes before they develop and to assist in communication between the police and the community.

Juvenile Justice

The papers in the section on juveniles explore some of the issues regarding young Aboriginal offenders.

Chris Sidoti discusses the over-representation of Aboriginal juvenile offenders in juvenile detention centres and the implications that this will have for over-representation of Aboriginal people in the adult justice system. He

outlines inconsistent state objectives and practices in juvenile justice and calls for a national approach to these issues.

The ways in which patterns of over-representation of Aboriginal young offenders can be changed are illustrated by Evelyn Crawford-Maher in her description of rehabilitation and diversionary programs developed through community consultation.

Allan Carter examines the factors contributing to offending amongst Aboriginal youth in a remote community and the strategies that were devised through consultation to alleviate the problems and provide justice for the community and the offenders.

The Judiciary

The judiciary is examined critically in this section.

Chris Cunneen raises a number of questions about the judiciary in his paper, "Judicial Racism". Through citing numerous examples of racist comments and judgments Cunneen demonstrates that the judiciary has been racist and continues to display racist attitudes in its interactions with Aboriginal people.

In the same vein Kathryn Pirie and Sheryl Cornack question the manner in which the charges of obscene language are applied to Aboriginal people in Queensland under Section 7 of the *Vagrants, Gaming and Other Offences Act 1931*. The writers suggest that there are solutions other than arrest and incarceration for problems which involve public order, and they call on police to use "caution, circumspection and common sense in their dealings with Aboriginal people".

Lionel Fraser outlines a scheme for employing Aboriginal assistants within the court to provide a more just environment in which criminal cases which involve Aboriginal people can be heard.

Through the account of his experience as a circuit magistrate Garry Hiskey provides some insight into the workings of the magistrates' courts in the Pitjantjatjara Lands of South Australia. He highlights the importance of flexibility, sensitivity and appreciation of cultural requirements in court procedure and his analysis of court files identifies some of the major issues for the courts and for Aboriginal people in this area.

Aboriginal Women and the Law

The issues which confront Aboriginal women, who face both racism and sexism, are examined in the paper by Joanne Selfe and Carol Thomas. Through the Aboriginal Women and the Law Project Aboriginal women in New South Wales have identified a number of issues which are of concern, including access to justice and cultural inappropriateness of the justice system. The dearth of information highlights the need for more research in this area.

In her paper Esther Alvares describes how a community worked together to provide support and safety for women in Bourke who were suffering domestic

violence. The paper demonstrates the effectiveness of community initiatives for community problems.

Corrections

The section regarding corrections emphasises the importance of community consultation and culturally relevant programs for Aboriginal and Torres Strait Islander prisoners. In order to divert Aboriginal offenders from imprisonment and to increase the success of prisoners on parole Reg Blow outlines a proposal for the Dooligar Justice Centre in Victoria where the aim is to introduce culturally relevant programs. Angela Musumeci describes the changes that the Queensland Corrective Services Commission have made in remote Aboriginal communities.

The Media

In the final paper Diana Plater provides guidelines for Aboriginal people to gain access to the media in order to overcome widespread negative stereotypes of Aboriginal society and use the media to advantage.

Recommendations

The recommendations which appear at the end of this collection of papers were formulated by the participants of workshops at the end of the conference. The recommendations are far reaching and relate to sovereignty, indigenous women, juvenile justice, policing in Aboriginal communities, corrections and the courts. The recommendations illustrate the changes that Aboriginal and Torres Strait Islander people wish to make to the criminal justice system.

Shortly after the conference concluded, copies of all of the recommendations were forwarded by the Institute to all the Ministers in the Commonwealth, State and Territory level whose portfolios are relevant to the issues raised. Several ministers subsequently expressed their interest and support in principle for the recommendations.

Solutions to the issues raised in these papers range from wider consultation with Aboriginal and Islander people and education of white Australians, to self-determination. However, the theme throughout all the papers is that white Australian society and the Australian criminal justice system needs to reflect upon and address its own attitudes, behaviours and practices before there can be justice for Aboriginal and Torres Strait Islander people.

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September 1993