FOREWORD

The Hon Bob Debus MP
Minister for Home Affairs

It gives me great pleasure to introduce this Special Edition of the *Australian Indigenous Law Review*. The articles in this important collection examine a range of options for coronial reform against the background of recommendations made by the Royal Commission into Aboriginal Deaths in Custody ('RCIADIC'), a survey of current coronial procedure and significant proposals for reforms.

Almost two decades after the RCIADIC delivered its final report, the plight of Indigenous people who come into contact with the criminal justice system remains urgent. Indigenous Australians continue to be grossly over-represented in prison populations, incarcerated at 13 times the rate of non-Indigenous persons. Added to this, the Australian Institute of Criminology's National Deaths in Custody Program reports that the relative proportion of Indigenous to non-Indigenous deaths in police custody and custody-related operations has been increasing since 2002.

The calls for coronial reform within this Special Edition pay attention to, but extend well beyond, investigations into Indigenous deaths in custody. Indeed, the issues considered here go straight to the heart of the challenge confronting all Australians today: the urgent need to redress the particular disadvantage of Indigenous people in the criminal justice system. More explicitly, the authors underline the important role that coronial investigations and subsequent recommendations can play in addressing this disadvantage for Indigenous and non-Indigenous people.

An obvious response to this challenge is for governments and other parties to prevent Indigenous deaths wherever there is the knowledge and capacity to do so. Coronial recommendations following the investigation of a particular death have the capacity to set new standards in areas such as policing, corrective services and public health. And yet, as the authors in this volume emphasise, coronial processes can only fulfil this preventive role if recommendations are implemented by governments and other responsible parties.

Several articles highlight the lack of means currently available in Australia to monitor the implementation of coronial recommendations. While some jurisdictions have enacted legislative requirements to formally respond to coronial recommendations, the authors suggest there is a lack of scrutiny of whether they have been implemented. Arguably, this makes it difficult to evaluate just how effective coronial inquests are in delivering public health outcomes that reach beyond the particular case in question.

The RCIADIC highlighted the importance of coronial processes as critical, independent points of review. States and Territories each have their own legislation which provides for the conduct of coronial investigations, including any requirements for the government to respond formally to recommendations. For its part, the Australian Government is facilitating greater cooperation between all jurisdictions in areas impacting Indigenous law and justice outcomes such as policing, corrections, juvenile justice and family violence prevention. The development through the Standing Committee of Attorneys-General ('SCAG') of a National Indigenous Law and Justice Framework is one example of how the Government is forging a nationally consistent approach across a broad range of issues. The development of a national approach to coronial recommendations could be a component of that Framework.

I commend the editorial team at the *Australian Indigenous Law Review* and the authors for their thought-provoking work in this complex area of law and policy. While the

views expressed in this journal are not necessarily those of the Australian Government, I welcome ongoing and open dialogue about how governments at all levels might work together so that they can be more responsive and accountable in coronial processes and, most importantly, prevent further unnecessary deaths of Indigenous peoples in this country.