

EDITORIAL INTRODUCTION

In order to address the gross overrepresentation of Aboriginal people in custody – the rates of which have worsened over the past 20 years – the Royal Commission into Aboriginal Deaths in Custody ('RCIADIC') identified 339 recommendations. In recommendation 105, the RCIADIC identified the critical role that research and the advocacy of law reform could play in supporting Aboriginal and Torres Strait Islander Legal Services and Aboriginal communities:

That in providing funding to Aboriginal Legal Services governments should recognize that Aboriginal Legal Services have a wider role to perform than their immediate task of ensuring the representation and provision of legal advice to Aboriginal persons. The role of the Aboriginal Legal Services includes investigation and research into areas of law reform in both criminal and civil fields which relate to the involvement of Aboriginal people in the system of justice in Australia. In fulfilling this role Aboriginal Legal Services require access to, and the opportunity to conduct, research.¹

The Commonwealth Attorney-General's Department now provides funding to Aboriginal and Torres Strait Islander Legal Services ('ATSILS') in each state and territory to provide legal aid services to Aboriginal and Torres Strait Islander people and communities. This includes an allocation to each ATSILS to deliver a law and justice advocacy program, conducting law and policy reform and research initiatives.

These ATSILS have prepared a series of case studies, compiled here, from their particular perspectives, on issues identified by the RCIADIC, which are of special concern to their respective states and territories.

In the Northern Territory, among the many challenges experienced by the North Australian Aboriginal Justice

Agency and Central Australian Aboriginal Legal Aid Service, those of young people in the justice system and the abuse of alcohol continue to remain unsolved. In New South Wales, the Aboriginal Legal Service (NSW/ACT) has monitored the use of the coroner's recommendatory power, and in Queensland, the Aboriginal and Torres Strait Islander Legal Service (Qld) has played a central role in public scrutiny of the investigation into the death on Palm Island of Mulrunji Doomadgee. The Victorian Aboriginal Legal Service has collaborated with other community legal services within the State to monitor the competency of cultural training programs for justice agencies, while in South Australia, the Aboriginal Legal Rights Movement has been prominent in its advocacy of the recognition of a duty of care owed by custodial authorities.

1 Commonwealth, Royal Commission into Aboriginal Deaths in Custody, *National Report* (1991) vol 5, 92.