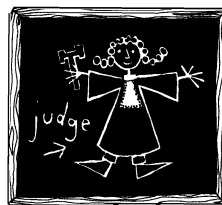


LEGAL STUDIES

Understanding the Royal Commission into Aboriginal Deaths in Custody



Working in groups, undertake research into the Royal Commission into Aboriginal Deaths in Custody (RCIADIC). Each group will focus on one aspect:

Group 1: What is a Royal Commission?

Group 2: Why was the RCIADIC established?

Group 3: What deaths were investigated by the RCIADIC?

Group 4: What were the key findings of the RCIADIC?

Group 5: What were some of the recommendations made by the RCIADIC?

Using the Internet and your textbooks, find out more about the aspect allocated to your group. Based on your research prepare a poster and class presentation to explain the aspect allocated to your group.

Possible resources

<www.atsic.gov.au>

<www.scu.edu.au/schools/edu/student_pages/2000/kmyers/summary.htm>

<www.austlii.edu.au/au/special/rsjproject/rsjlibrary/aic/dalton.html>

<www.datsip.qld.gov.au/pdf/justice.pdf>

Community-based sanctioning of offenders

Read the article 'Community-based sanctioning of offenders: a new solution for Indigenous offenders?' (p 24 of this journal). Working in groups discuss the following questions.

1. What evidence is presented in this article to indicate that the operation of the criminal justice system discriminates against indigenous people?

2. In northern Queensland *community justice groups* may be used when courts sit in Aboriginal communities.

- What is a community justice group?
- Suggest reasons why community justice groups have been introduced.

- Outline the powers of a community justice group.
 - Outline the facts in the following cases: *R v Miyatatawuy* and *R v Kawangka*. For each case, discuss the role of the community justice group in the sentencing of an offender? Why is consultation with indigenous community groups seen as important?
 - How does the use of community justice groups address some of the concerns identified in the RCIADIC?
3. What is a sentencing circle and what are the advantages of using a sentencing circle?

Individual reflection

Prepare a personal written reflection addressing the following statement: *Our criminal justice system must look beyond traditional court practices to meet the needs of indigenous people. We need new solutions for indigenous justice.*

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'A Glimpse of the Invisible' continued from page 18

19. For a fully documented submission on this see: Public Interest Law Clearing House (PILCH), *Promoting Equality: Homeless Persons and Discrimination* (Homeless Person's Legal Clinic, 2002) <www.pilch.org.au/html/getFile.asp?table=tbl_TCA_Article_Files&field=image&id=89> at 18 January 2005.

20. P Goward, 'News', *SBS Television*, 29 July 2004

Poverty, however, can produce more insidious damage from the stereotypes with which it is associated. Landlords and agents legitimately use risk management strategies, assessing factors going directly to an applicant's suitability for a tenancy. However, pure assumptions may be made about capacity to pay or bad tenant behaviour, based on stereotypes of sole parents, pensioners or households who present with a grant for their bond. This is not 'risk assessment'; it is discrimination. If the rights of poor members of society to be treated as 'equal before the law' are to be protected, discrimination on the grounds of social status and the origin of income and bond need to be included in the legislation as grounds of unlawful discrimination. This does not grant any additional rights, nor does it impinge on the proper risk assessment exercises of business. It simply rectifies existing injustices and protects from discrimination.¹⁹ Women, especially women with children, would be major beneficiaries.

The next 20 years

Statistics of complaints are not, and cannot be treated as, an index of discriminatory behaviour. We cannot argue 'no cases = no problem'. Sex discrimination in housing is formally invisible. However, as the stories here indicate, it can be glimpsed in the housing histories of the homeless, those in housing stress, evictees, and children

growing up in conditions of insecure or inadequate shelter. As the National Housing Strategy predicted, the anti-discrimination legislation has not been 'enforced completely' and discrimination persists. Nowadays, rather than 'public housing' the catchcry is 'affordable housing'. Substantially, though, the issue remains the same: a need to provide a range of safe, secure and affordable housing options for low income households, whatever their demographic. As we look to the next 20 years of the legislation, the Sex Discrimination Commissioner's comments seem highly appropriate to the 'accommodation' area: in the first 20 years the benefits of the federal *Sex Discrimination Act* have flowed to middle class women. In the future they must flow to lower income women too.²⁰

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