



By Professor Larissa Behrendt

The federal government's intervention into the Northern Territory – on the pretext of dealing with the high incidence of child sexual abuse – has revealed once again how the Australian legal system struggles with achieving social justice for Aboriginal people.

The intervention highlights how our constitutional framework hands the legislature unfettered power when it comes to policy direction, especially in the absence of a bill of rights to temper government actions.

Aboriginal and Torres Strait Islanders feel that we have a distinctive relationship with the legal system. We understand the role that it has played in the colonisation of our people, particularly in dispossessing us of our traditional lands; in permitting the policy of removing Aboriginal children from their families as a way of enforcing assimilation; and in failing to protect and preserve Aboriginal culture and heritage. And a complex relationship with the criminal justice system leaves Aboriginal people – even after a Royal Commission into the issue – over-represented in Australian prisons.

Yet, at the same time, Aboriginal people continue to hold out hope that the legal system can become a mechanism for

achieving justice. This has particularly been the case since the handing down of the *Mabo* decision in 1992.

This special edition of *Precedent* focuses on some of the key legal areas that have particular relevance for Aboriginal and Torres Strait Islander people. What is noticeable about this collection of articles is the number of Indigenous people who are now involved with the practice of law. When I graduated, it was estimated that only about 30 Aboriginal and Torres Strait Islanders had ever graduated with law degrees. There are now over 30 Aboriginal and Torres Strait Islander law students at the University of Technology, in Sydney, alone. We are attracted to the legal profession as a career because we appreciate the power of the law to achieve change. By working within the system, we hope that we can both promote a greater awareness of the inequities and discrimination that still exist in Australia between the Indigenous and non-Indigenous communities and, as a consequence, deliver better outcomes for our communities. ■

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