
In *Justice: A History of the Aboriginal Legal Service of Western Australia*, Fiona Skyring reflects on a history of injustice for Aboriginal people in their dealings with Western Australian law. She presents a detailed consultation of the archival record and gathers anecdotal evidence from staff and others connected with the Aboriginal Legal Service of Western Australia (ALSWA) to build a history of race discrimination in the state.

Since its incorporation in 1973, the Aboriginal Legal Service has been committed to ensuring equality before the law for Aboriginal people in Western Australia. Skyring’s careful and thorough research effectively captures the inequity entrenched in the law and its institutions. She highlights the way 78% of all Aboriginal offenders before 1965 went before the court without legal representation. Through their work, the ALSWA have been able to overturn this disadvantage so that all offenders who require assistance may receive it. Skyring, a land rights historian, clearly articulates the commitment of the ALSWA to this principle of equality, suggesting, ‘if the law and language of the court is foreign to the people before it, then the justice system has to be changed to accommodate that.’ (p.133)

This is a broad ranging text, having been commissioned by the ALSWA itself. As such, Skyring has had great liberty in her access to current and past associates of the organisation. As an historical account it is anchored by an extensive use of ‘first-person’ narrative. The transcripts of interviews undertaken by Skyring testify to the record of discrimination against Aboriginal people in Western Australian law. Through her research Skyring has interviewed a number of notable Western Australians, such as Peter Dowding and Cedric Wyatt, and a number of lesser-known Western Australians, like Graham McDonald and Helen Corbett. Their narratives form a tapestry of voices and these multiple accounts of historical events (that is, those on the public record and the perceptive commentary of witnesses) are successfully interwoven to create a compelling and complex picture of intolerable injustice.

Aboriginal John Pat’s death in custody at Roeburne in 1983 is one such historical account. Because of their advocacy on this case and with others, the ALSWA set up a unit within the infrastructure of its organisation to represent the families of twenty-three deceased Aboriginal Western Australians during the Royal Commission into Aboriginal Deaths in Custody. Skyring regards this initiative as one of a number of ‘watershed’ moments in the history between Aboriginal peoples and the law in Western Australia. In their capacity as advocates, the ALSWA performed an activist and educative role, pursuing this injustice politically and through the media.

Because of the fortitude of the ALSWA staff and supporters, in often trying times, the organisation has worked effectively to advocate against the overrepresentation of Aboriginal people in criminal facilities; entrenched institutional racism and police brutality. Skyring cites an increased public scrutiny of the activity of police as one of the major achievements of the ALSWA. She suggests that there is now a public demand for greater police accountability because of the successful media campaigns orchestrated by the ALSWA. The Service has also negotiated with governments and between Aboriginal groups for land rights...
legislation and for land use agreements. As an organization, it has been motivated by the dire need for political and legislative reform and reconciliation.

Skyring notes the forms through which the Aboriginal Legal Service of Western Australia has faced opposition, and identifies the government of Sir Charles Court in particular as being an adversary of the Service. In the chapter called ‘Land Rights’ Skyring describes the role of the Court government in altering the Mining Act (1904) so that Aboriginal people had no legal defence when mining interests interfered with what they claimed were their traditional lands. The ALSWA sought to overturn this decision and continues to work with Aboriginal communities and commercial groups as they negotiate in a post-Mabo climate.

Skyring offers a full and transparent account of the internal function of the ALSWA and its various fractures and frictions. By highlighting a series of conflicts within the Service regarding disputes over pay and its executive direction, she discusses the interrelationships between the ALSWA and other Aboriginal Legal Services across Australia and considers the criticisms which have been made of its operation - particularly those from within the Aboriginal community - such as the claim by some Aboriginal women that the ALS does not represent their interests (they refer to the interests of victims of domestic violence.) Through these examples, Skyring highlights the complexity of this organisation as it seeks to represent broad interests across the whole of Western Australia.

Skyring refers to the Bringing Them Home text as one that “changed Australia forever.” (p.347) This high praise is perplexing (but deserved) given that she refers only minimally to this report through her text (two pages out of 400.) Instead, she references the ALSWA work on forcible child removal (the 1995 text Telling Our Story: A Report by the Aboriginal Legal Service of Western Australia (Inc.) on the Removal of Aboriginal Children from their Families in Western Australia) which predated the HREOC inquiry. Clearly the ALSWA report did not carry the same cultural or political weight as Bringing Them Home. Her consideration of the Human Rights and Equal Opportunity Inquiry is largely confined to a discussion of the political response to its findings – unfortunately, it says nothing of the way that story or testimony was gathered by the ALSWA, or the distribution of its resources. This absence is particularly notable since the HREOC Bringing Them Home report makes specific reference to the contributions of the ALSWA to its findings. In my opinion, Skyring’s failure to fully and adequately address this Report is somewhat of an oversight.

Skyring’s text has been well received, having won the 2011 Premier’s Prize, the 2011 State Library of Western Australia Award for WA History and the Margaret Medcalf Award in 2012. Justice: A History of the Aboriginal Legal Service of Western Australia must be commended for its breadth of scope. Rather than giving only a story of the ALSWA it provides a history of Aboriginal people and the law in Western Australia since 1829, its ambit of study predates the establishment of the Aboriginal Legal Service itself. Skyring’s is the first text of its kind to give a book-length assessment of an Australian Aboriginal Legal Service (there is a developed body of criticism published through academic journals and print newspapers) and for these reasons it has enriched the historical record and is long overdue.

Steven de Haer, The University of Western Australia